

# MILLARD COUNTY, UTAH ZONING ORDINANCE

## A LAND USE ORDINANCE OF MILLARD COUNTY

(Rewrite and Amendments to the Millard County Development Code)

### PLANNING COMMISSION RECOMMENDATION COUNTY COMMISSION PUBLIC HEARING DRAFT

2012

Prepared by:

PLANNING AND DEVELOPMENT SERVICES, LLC

Salt Lake City, Utah

801-277-4435

[pds@utahplanning.com](mailto:pds@utahplanning.com)

## TABLE OF CONTENTS

### **TITLE 10, CHAPTER 1**

<b>TITLE, PURPOSE, DECLARATION OF INTENT AND EFFECTIVE DATE.....</b>	<b>12</b>
SECTION 10-1-1—SHORT TITLE: .....	12
SECTION 10-1-2—AUTHORITY: .....	12
SECTION 10-1-3—DECLARATION:.....	12
SECTION 10-1-4—PURPOSE:.....	12
SECTION 10-1-5—DEFINITIONS: .....	13
SECTION 10-1-6—PROVISION OF ADMINISTRATIVE GUIDELINES, STANDARDS, AND OTHER MATERIALS – COMPLIANCE REQUIRED:.....	13
SECTION 10-1-7—APPLICABILITY: .....	13
SECTION 10-1-8—CONFLICT:.....	14
SECTION 10-1-9—PERMITS AND LICENSES TO CONFORM TO THIS ORDINANCE:.....	14
SECTION 10-1-10—EFFECTIVE DATE: .....	14
SECTION 10-1-11—OMISSIONS NOT A WAIVER: .....	14
SECTION 10-1-12—REPEALER AND EFFECT: .....	14

### **TITLE 10, CHAPTER 2**

<b>LAND USE AUTHORITIES .....</b>	<b>15</b>
SECTION 10-2-1—LAND USE AUTHORITIES: .....	15
SECTION 10-2-2—MILLARD COUNTY BOARD OF COUNTY COMMISSIONERS: .....	15
SECTION 10-2-3—MILLARD COUNTY PLANNING COMMISSION:.....	16
SECTION 10-2-4—MILLARD COUNTY PLANNER/ZONING ADMINISTRATOR:.....	19
SECTION 10-2-5—MILLARD COUNTY LAND USE HEARING OFFICER: .....	20
SECTION 10-2-6—SUPPORT:.....	21
SECTION 10-2-7—MEETINGS AND PUBLIC HEARINGS:.....	21
SECTION 10-2-8—EXACTIONS:.....	22
SECTION 10-2-9—ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN – REMOVAL WITHOUT PROVIDING COMPENSATION – LIMIT ON ALLOWING NONCONFORMING BILLBOARDS TO BE REBUILT: .....	22
SECTION 10-2-10—ACQUIRING PROPERTY: .....	22

### **TITLE 10, CHAPTER 3 ..... 23**

#### **LAND USE APPLICATIONS—DECISION MAKING STANDARDS ..... 23**

SECTION 10-3-1—VARIOUS APPLICATIONS PROVIDED: .....	23
SECTION 10-3-2—DECISION MAKING STANDARDS: .....	23

### **TITLE 10, CHAPTER 4 ..... 26**

#### **LAND USE APPLICATIONS – PROCEDURES ..... 26**

SECTION 10-4-1—PURPOSE:.....	26
SECTION 10-4-2—APPLICATION FORMS:.....	26
SECTION 10-4-3—LAND USE APPLICATION PROCEDURES: .....	26
SECTION 10-4-4—DETERMINATION OF COMPLETENESS OF LAND USE APPLICATIONS: .....	26
SECTION 10-4-5—SCOPE OF LAND USE APPLICATION APPROVALS:.....	26
SECTION 10-4-6—LAND USE AUTHORITIES TO COMPLY WITH ALL LAND USE ORDINANCES AND RESOLUTIONS: .....	27
SECTION 10-4-7—LAND USE PERMITS REQUIRED TO COMPLY WITH LAND USE AUTHORITY DECISION: .....	27
SECTION 10-4-8—WHEN AN APPLICANT IS ENTITLED TO APPROVAL OF AN APPLICATION – EXCEPTIONS – COUNTY MAY NOT IMPOSE UNEXPRESSED REQUIREMENTS – COUNTY REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THIS ORDINANCE: .....	27
SECTION 10-4-9—VESTING OF ZONING RIGHTS:.....	28
SECTION 10-4-10—PROCEDURAL IRREGULARITIES:.....	28
<b>TITLE 10, CHAPTER 5 .....</b>	<b>30</b>
<b>APPLICATIONS TO AMEND COUNTY GENERAL PLAN .....</b>	<b>30</b>
SECTION 10-5-1—PURPOSE:.....	30
SECTION 10-5-2—BOCC THE LAND USE AUTHORITY FOR GENERAL PLAN AMENDMENT APPLICATIONS: .....	30
SECTION 10-5-3— PROCEDURES AND REVIEW STANDARDS FOR GENERAL PLAN AMENDMENT APPLICATIONS: .....	30
SECTION 10-5-4—FINDINGS REQUIRED FOR APPROVAL OF A GENERAL PLAN AMENDMENT APPLICATION:.....	31
SECTION 10-5-5—EFFECT OF APPROVAL OF A GENERAL PLAN AMENDMENT APPLICATION: .....	31
SECTION 10-5-6—APPEALS:.....	31
<b>TITLE 10, CHAPTER 6 .....</b>	<b>32</b>
<b>APPLICATIONS TO AMEND COUNTY LAND USE ORDINANCES (DEVELOPMENT CODE) .....</b>	<b>32</b>
SECTION 10-6-1—PURPOSE:.....	32
SECTION 10-6-2—BOCC THE LAND USE AUTHORITY FOR LAND USE ORDINANCE AMENDMENT APPLICATIONS: .....	32
SECTION 10-6-3—PROCEDURES AND REVIEW STANDARDS FOR LAND USE ORDINANCE AMENDMENT APPLICATIONS: .....	32
SECTION 10-6-4—FINDINGS REQUIRED FOR APPROVAL OF A LAND USE ORDINANCE AMENDMENT APPLICATION:.....	33
SECTION 10-6-5—EFFECT OF APPROVAL OF A LAND USE ORDINANCE AMENDMENT APPLICATION: .....	33
SECTION 10-6-6—APPEALS:.....	33

SECTION 10-6-7—TEMPORARY LAND USE REGULATIONS: .....	33
SECTION 10-6-8—EFFECT OF A PENDING LAND USE ORDINANCE, OFFICIAL MAP AMENDMENT, OR TEMPORARY LAND USE REGULATION: .....	34
<b>TITLE 10, CHAPTER 7 .....</b>	<b>36</b>
<b>PERMITTED USE APPLICATIONS .....</b>	<b>36</b>
SECTION 10-7-1—PURPOSE: .....	36
SECTION 10-7-2—COUNTY PLANNER/ZONING ADMINISTRATOR AND COMMISSION ARE THE LAND USE AUTHORITIES FOR PERMITTED USE AND PERMITTED SIGN APPLICATIONS: .....	36
SECTION 10-7-3— PROCEDURES AND REVIEW STANDARDS FOR PERMITTED P-1USE, PERMITTED P- 1 SIGN, PERMITTED P-2 USE, AND PERMITTED P-2 SIGN APPLICATIONS: .....	36
SECTION 10-7-4—FINDINGS REQUIRED FOR APPROVAL OF PERMITTED P-1 USE, P-1 SIGN, P-2 USE, AND P-2 SIGN APPLICATIONS: .....	37
SECTION 10-7-5—DECISION FOR A PERMITTED USE APPLICATION: .....	37
SECTION 10-7-6—EFFECT OF APPROVAL: .....	38
SECTION 10-7-7—APPEALS: .....	38
<b>TITLE 10, CHAPTER 8 .....</b>	<b>39</b>
<b>CONDITIONAL USE APPLICATIONS .....</b>	<b>39</b>
SECTION 10-8-1—PURPOSE: .....	39
SECTION 10-8-2—COMMISSION AND BOCC ARE THE LAND USE AUTHORITIES FOR CONDITIONAL USE APPLICATIONS: .....	39
SECTION 10-8-3— PROCEDURES AND REVIEW STANDARDS FOR CONDITIONAL C-1 USE, CONDITIONAL C-1 SIGN, AND CONDITIONAL C-2 USE APPLICATIONS: .....	39
SECTION 10-8-4—FINDINGS REQUIRED FOR APPROVAL OF CONDITIONAL USE AND CONDITIONAL SIGN APPLICATIONS: .....	40
SECTION 10-8-5—REASONABLE CONDITIONS AUTHORIZED FOR APPROVAL FOR A CONDITIONAL USE OR CONDITIONAL SIGN APPLICATIONS: .....	40
SECTION 10-8-6—DECISION FOR A CONDITIONAL USE APPLICATION OR CONDITIONAL SIGN APPLICATION: .....	42
SECTION 10-8-7—EFFECT OF APPROVAL: .....	42
SECTION 10-8-8—APPROVED CONDITIONAL USE OR CONDITIONAL SIGN PERMIT TO BE RECORDED: .....	42
SECTION 10-8-9—APPEALS: .....	43
<b>TITLE 10, CHAPTER 9 .....</b>	<b>44</b>
<b>SIGN STANDARDS.....</b>	<b>44</b>
SECTION 10-9-1—PURPOSE: .....	44
SECTION 10-9-2—PROPERTY OWNER APPROVAL.....	44

ALL SIGNS PLACED ON PRIVATE PROPERTY SHALL BE ALLOWED ONLY WITH THE AUTHORIZATION OF THE PROPERTY OWNER.....	44
SECTION 10-9-3—EXEMPT SIGNS: .....	44
SECTION 10-9-4—PROHIBITED SIGNS: .....	49
SECTION 10-9-5—GENERAL PROVISIONS:.....	49
SECTION 10-9-6—BUILDING PERMIT REQUIRED: .....	50
SECTION 10-9-7—STANDARDS OF CONSTRUCTION: .....	50
SECTION 10-9-8—REQUIRED MAINTENANCE FOR ALL SIGNS: .....	51
SECTION 10-9-9—VALID BUSINESS LICENSE REQUIRED: .....	51
SECTION 10-9-10—ENFORCEMENT:.....	51
SECTION 10-9-11—TYPE OF SIGN APPLICATION REQUIRED:.....	51
SECTION 10-9-12—LAND USE AUTHORITIES FOR SIGN APPLICATIONS:.....	51
SECTION 10-9-13—MINIMUM REQUIREMENTS FOR APPROVAL AND FINDINGS AND STANDARDS FOR APPROVAL OF SIGN APPLICATIONS: .....	51
SECTION 10-9-14—FINDINGS REQUIRED FOR APPROVAL OF SIGN APPLICATIONS: .....	52
SECTION 10-9-15—EFFECT OF APPROVAL: .....	53
SECTION 10-9-16—APPEALS:.....	53
SECTION 10-9-17—ALLOWED SIGNS: .....	53
SECTION 10-9-18—SIGN LIGHTING REQUIREMENTS:.....	53
SECTION 10-9-19—BILLBOARDS: .....	54
SECTION 10-9-20—NONCOMPLYING SIGNS:.....	54
SECTION 10-9-21—UNUSED AND ABANDONED SIGNS:.....	54
<b>TITLE 10, CHAPTER 10 .....</b>	<b>63</b>
<b>RESERVED .....</b>	<b>63</b>
<b>TITLE 10, CHAPTER 11 .....</b>	<b>64</b>
<b>VARIANCE APPLICATIONS.....</b>	<b>64</b>
SECTION 10-11-1—PURPOSE:.....	64
SECTION 10-11-2—LAND USE HEARING OFFICER IS THE APPEALS AUTHORITY FOR VARIANCE APPLICATIONS: .....	64
SECTION 10-11-3—PROCEDURES AND REVIEW STANDARDS FOR VARIANCE APPLICATIONS.....	64
SECTION 10-11-4—FINDINGS REQUIRED FOR APPROVAL OF VARIANCE APPLICATIONS: .....	65
SECTION 10-11-5—DECISION FOR A VARIANCE APPLICATION: .....	65
SECTION 10-11-6—VARIANCE REQUIREMENTS: .....	65
SECTION 10-11-7—USE VARIANCE PROHIBITED: .....	65
SECTION 10-11-8—EFFECT OF APPROVAL: .....	65
SECTION 10-11-9—APPEALS:.....	66
<b>TITLE 10, CHAPTER 12 .....</b>	<b>67</b>

<b>NONCONFORMING USES, NONCOMPLYING STRUCTURES, AND OTHER NONCONFORMITIES .....</b>	<b>67</b>
SECTION 10-12-1 – PURPOSE: .....	67
SECTION 10-12-2—LAND USE HEARING OFFICER IS THE LAND USE AUTHORITY FOR DETERMINATIONS OF LEGAL NONCONFORMING USE, LEGAL NONCOMPLYING STRUCTURE, OR OTHER LEGAL NONCONFORMITY APPLICATIONS:.....	67
SECTION 10-12-3—PROCEDURES AND REVIEW STANDARDS FOR DETERMINATIONS OF LEGAL NONCONFORMING USE, LEGAL NONCOMPLYING STRUCTURE, OR OTHER LEGAL NONCONFORMITY APPLICATIONS: .....	67
SECTION 10-12-4—FINDINGS REQUIRED FOR APPROVAL OF DETERMINATION OF LEGAL NONCONFORMING USE, NONCOMPLYING STRUCTURE, OR OTHER NONCONFORMITY APPLICATION:.....	67
SECTION 10-12-5—DECISION FOR A DETERMINATION OF A LEGAL NONCONFORMING USE, NONCOMPLYING STRUCTURE, OR OTHER NONCONFORMITY APPLICATION: .....	68
SECTION 10-12-6—EFFECT OF APPROVAL: .....	68
SECTION 10-12-7—REQUIREMENTS FOR NONCONFORMING USES:.....	69
SECTION 10-12-8—REQUIREMENTS FOR NONCOMPLYING STRUCTURES: .....	70
SECTION 10-12-9—TERMINATION OF A NONCONFORMING USE DUE TO ABANDONMENT: .....	70
SECTION 10-12-10—NONCOMPLYING LOTS:.....	71
SECTION 10-12-11—NONCOMPLYING SIGNS:.....	71
SECTION 10-12-12—APPEAL: .....	72
<b>TITLE 10, CHAPTER 13 .....</b>	<b>73</b>
<b>NOTICE REQUIREMENTS .....</b>	<b>73</b>
SECTION 10-13-1—PURPOSE:.....	73
SECTION 10-13-2—REQUIRED NOTICE OF PUBLIC HEARINGS AND PUBLIC MEETINGS TO CONSIDER GENERAL PLAN ADOPTION AND GENERAL PLAN AMENDMENT APPLICATIONS:.....	73
SECTION 10-13-3—REQUIRED NOTICE OF PUBLIC HEARINGS AND PUBLIC MEETINGS TO CONSIDER A LAND USE ORDINANCE, LAND USE ORDINANCE AMENDMENT APPLICATIONS, OFFICIAL MAP, AND OFFICIAL MAP AMENDMENT APPLICATION: .....	74
SECTION 10-13-4—REQUIRED NOTICE FOR OTHER PUBLIC HEARINGS: .....	75
SECTION 10-13-5—COURTESY NOTICE FOR PUBLIC HEARINGS:.....	75
SECTION 10-13-6—REQUIRED NOTICE FOR OTHER PUBLIC MEETINGS: .....	75
SECTION 10-13-7—REQUIRED APPLICANT NOTICE – WAIVER OF REQUIREMENTS: .....	76
SECTION 10-13-8—NOTICE CHALLENGE:.....	76
<b>TITLE 10, CHAPTER 14 .....</b>	<b>77</b>
<b>APPEAL AUTHORITIES AND PROCEDURES .....</b>	<b>77</b>
SECTION 10-14-1—PURPOSE:.....	77
SECTION 10-14-2—APPEAL AUTHORITIES: .....	77

SECTION 10-14-3—DISTRICT COURT: .....	77
SECTION 10-14-4—BOARD OF COUNTY COMMISSIONERS: .....	77
SECTION 10-14-5—LUHO:.....	77
SECTION 10-14-6—MAXIMUM TIME ALLOWED TO FILE APPEAL:.....	77
SECTION 10-14-7—REQUIREMENTS FOR AN APPEAL OF A LAND USE AUTHORITY DECISION:.....	78
SECTION 10-14-8—CONDITION PRECEDENT TO JUDICIAL REVIEW – APPEAL AUTHORITY DUTIES: .....	78
SECTION 10-14-9—APPLICATION REQUIRED:.....	78
SECTION 10-14-10—MEETINGS, RECORDS, AND ACTION OF AN APPEAL AUTHORITY:.....	78
SECTION 10-14-11—DUE PROCESS.....	79
SECTION 10-14-12—BURDEN OF PROOF. ....	79
SECTION 10-14-13—STANDARD OF REVIEW FOR APPEALS. ....	79
SECTION 10-14-14—FINAL DECISION.....	80
SECTION 10-14-15—DISTRICT COURT REVIEW: .....	80
<b>TITLE 10, CHAPTER 15 .....</b>	<b>83</b>
<b>RESERVED .....</b>	<b>83</b>
<b>TITLE 10, CHAPTER 16 .....</b>	<b>84</b>
<b>ESTABLISHMENT OF ZONING DISTRICTS .....</b>	<b>84</b>
SECTION 10-16-1—ZONING BY DISTRICTS:.....	84
SECTION 10-16-2—ZONING DISTRICTS PURPOSES: .....	84
<b>TITLE 10, CHAPTER 17 .....</b>	<b>86</b>
<b>GENERAL DEVELOPMENT STANDARDS APPLICABLE TO ALL PROPERTY AND USES.....</b>	<b>86</b>
SECTION 10-17-1—PURPOSE:.....	86
SECTION 10-17-2—CONSISTENCY AND CONFORMITY TO THE GENERAL PLAN REQUIRED:.....	86
SECTION 10-17-3—PUBLIC USES TO CONFORM TO GENERAL PLAN: .....	86
SECTION 10-17-4—EFFECT OF OFFICIAL MAPS: .....	86
SECTION 10-17-5—ALLOWED MINIMUM USE OF LEGAL LOTS: .....	87
SECTION 10-17-6—ILLEGAL LOTS, USES, BUILDINGS AND STRUCTURES: .....	87
SECTION 10-17-7—ALLOWED USES:.....	87
SECTION 10-17-8—PROHIBITED USES: .....	87
SECTION 10-17-9—USE APPROVAL AND BUILDING PERMIT REQUIRED PRIOR TO ANY CONSTRUCTION:.....	87
SECTION 10-17-10—APPLICATIONS REQUIRED:.....	87
SECTION 10-17-11—ALL BUILDINGS TAXED AS REAL PROPERTY: .....	88
SECTION 10-17-12—PAYMENT OF TAXES AND CHARGES REQUIRED:.....	88

SECTION 10-17-13—USES ON LAND PURCHASED, LEASED, OR OTHER ACQUIRED FROM FEDERAL OR STATE GOVERNMENT: .....	88
SECTION 10-17-14—PRIVATE USES ON LAND OWNED BY THE FEDERAL OR STATE GOVERNMENT: .....	88
SECTION 10-17-15—ALL USES, BUILDINGS, AND STRUCTURES TO COMPLY WITH ZONING DISTRICT REQUIREMENTS: .....	88
SECTION 10-17-16—SUBDIVISION AND SALE OF PROPERTY: .....	88
SECTION 10-17-17—LEGAL ACCESS TO ALL PROPERTIES REQUIRED: .....	89
SECTION 10-17-18—MINIMUM LOT FRONTAGE REQUIRED: .....	89
SECTION 10-17-19—MINIMUM BUILDABLE AREA: .....	89
SECTION 10-17-20—LOT STANDARDS – CREATION OF NONCOMPLYING-LOTS PROHIBITED: .....	89
SECTION 10-17-21—ALL BUILDINGS OR STRUCTURES TO BE ON A SINGLE LOT: .....	89
SECTION 10-17-22—LOTS IN TWO (2) OR MORE ZONING DISTRICTS: .....	89
SECTION 10-17-23—REQUIRED YARD AREAS FOR ONE BUILDING ONLY: .....	90
SECTION 10-17-24—REQUIRED YARDS TO BE UNOBSTRUCTED—EXCEPTIONS: .....	90
SECTION 10-17-25—EFFECT OF OFFICIAL STREETS MAP: .....	90
SECTION 10-17-26—CLEAR VIEW AREA REQUIREMENTS: .....	90
SECTION 10-17-27—MINIMUM HEIGHT OF ALL BUILDINGS: .....	91
SECTION 10-17-28—MAXIMUM HEIGHT OF ALL PRIMARY BUILDINGS: .....	91
SECTION 10-17-29—EXCEPTIONS TO MAXIMUM HEIGHT LIMITATIONS: .....	91
SECTION 10-17-30—ADEQUATE PUBLIC FACILITIES REQUIREMENTS: .....	91
SECTION 10-17-31—CULINARY WATER, SANITARY SEWER AND FIRE PROTECTION REQUIREMENTS: .....	92
SECTION 10-17-32—REQUIRED ROADS, STREETS, FIRE PROTECTION AND OTHER FACILITIES: .....	92
SECTION 10-17-33—GUARANTEE OF INSTALLATION OF IMPROVEMENTS: .....	92
SECTION 10-17-34—CERTIFICATE OF OCCUPANCY REQUIRED: .....	92
SECTION 10-17-35—BUSINESS LICENSE REQUIRED – CONTINUING OBLIGATIONS: .....	93
SECTION 10-17-36—TABLES OF LOT AND SETBACK REQUIREMENTS FOR PRIMARY BUILDINGS: ....	93
SECTION 10-17-37—OFF-STREET PARKING REQUIREMENTS: .....	93
SECTION 10-17-38—CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD, OR OTHER NATURAL HAZARDS: .....	93
SECTION 10-17-39—NOXIOUS WEEDS: .....	93
<b>TITLE 10, CHAPTER 18 .....</b>	<b>94</b>
<b>SUPPLEMENTARY STANDARDS APPLICABLE TO CERTAIN USES .....</b>	<b>94</b>
SECTION 10-18-1—PURPOSE: .....	94
SECTION 10-18-2—HOME OCCUPATIONS: .....	94
SECTION 10-18-3—CHILD CARE: .....	94
SECTION 10-18-4—MANUFACTURED HOMES: .....	95
SECTION 10-18-5—CHURCH: .....	95



SECTION 10-18-6—ACCESSORY BUILDINGS AND ACCESSORY USES: .....	95
SECTION 10-18-7—LIMITATIONS ON THE SIZE AND LOCATION OF ACCESSORY BUILDINGS IN RESIDENTIAL ZONES: .....	96
SECTION 10-18-8—SMALLER ACCESSORY BUILDINGS – EXEMPTION FROM BUILDING PERMIT REQUIREMENTS: .....	96
SECTION 10-18-9—ACCESSORY DWELLING UNIT FOR AN OWNER OR EMPLOYEE: .....	97
SECTION 10-18-10—FENCES AND WALLS: .....	98
SECTION 10-18-11—BED AND BREAKFAST INN: .....	98
SECTION 10-18-12—RESIDENTIAL FACILITIES FOR ELDERLY PERSONS: .....	99
SECTION 10-18-13—RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY: .....	100
SECTION 10-18-17—PROHIBITED ANIMALS: .....	110
SECTION 10-18-18—WIRELESS TELECOMMUNICATIONS SITE/FACILITY: .....	110
SECTION 10-18-19—AMATEUR RADIO ANTENNAS: .....	115
SECTION 10-18-20—SALE, DISTRIBUTION, AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND ALCOHOLIC PRODUCTS: .....	115
SECTION 10-18-21—SEXUALLY ORIENTED BUSINESS: .....	115
SECTION 10-18-22—WIND ENERGY SYSTEM (MAJOR): .....	117
<b>TITLE 10, CHAPTER 19 .....</b>	<b>123</b>
<b>OFF-STREET PARKING AND LOADING STANDARDS .....</b>	<b>123</b>
SECTION 10-19-1—PURPOSE: .....	123
SECTION 10-19-2—GENERAL PROVISIONS: .....	123
SECTION 10-19-3—SIZE OF OFF-STREET PARKING AND LOADING SPACES: .....	123
SECTION 10-19-4—ACCESS REQUIREMENTS: .....	124
SECTION 10-19-5—LOCATION OF REQUIRED OFF-STREET PARKING: .....	124
SECTION 10-19-10—MAINTENANCE OF PARKING SPACES AND AREAS: .....	124
SECTION 10-19-11—NUMBER OF REQUIRED OFF-STREET PARKING SPACES: .....	124
SECTION 10-19-12—DISABLED PERSONS PARKING: .....	130
SECTION 10-19-13—REDUCTION OF OFF-STREET PARKING REQUIREMENTS: .....	130
SECTION 10-19-14—OFF-STREET LOADING REQUIREMENTS: .....	131
SECTION 10-19-15—LOCATION OF LOADING SPACES: .....	131
SECTION 10-19-16—SIZE OF LOADING SPACES: .....	131
<b>TITLE, CHAPTER 20 .....</b>	<b>132</b>
<b>SENSITIVE LANDS OVERLAY DISTRICT (SL) .....</b>	<b>132</b>
SECTION 10-20-1—PURPOSE: .....	132
SECTION 10-20-2—SENSITIVE LANDS DEFINED: .....	132
SECTION 10-20-3—SENSITIVE LANDS DETERMINATION REQUIRED WITH APPLICATION: .....	133
SECTION 10-20-4—SENSITIVE LANDS DETERMINATION REQUIREMENTS: .....	133
SECTION 10-20-5—ALL APPROVALS, LICENSES, AND PERMITS TO COMPLY: .....	134

SECTION 10-20-6—APPLICATION REQUIREMENTS: .....	134
SECTION 10-20-7—SENSITIVE LANDS PROTECTION REGULATIONS – STREAMS AND FLOODPLAINS: .....	135
SECTION 10-20-8—SENSITIVE LANDS PROTECTION REGULATIONS – WETLANDS:.....	136
SECTION 10-20-9—SENSITIVE LANDS PROTECTION REGULATIONS – SLOPES: .....	137
SECTION 10-20-10—SENSITIVE LANDS PROTECTION REGULATIONS – GEOLOGIC HAZARDS:.....	139
SECTION 10-20-11—BUILDING CODE REQUIREMENTS:.....	139
SECTION 10-20-12—COUNTY ROAD CONSTRUCTION STANDARDS TO APPLY:.....	139
SECTION 10-20-13—REASONABLE USE OF PROPERTY:.....	139
<b>TITLE, CHAPTER 21 .....</b>	<b>140</b>
<b>AIRPORT OVERLAY DISTRICT (AO) .....</b>	<b>140</b>
SECTION 10-21-1—PURPOSE:.....	140
SECTION 10-21-2—APPLICABILITY: .....	140
SECTION 10-21-3—AIRPORT OWNER AND/OR OPERATOR RESPONSIBILITY – ADOPTED AIRPORT PLAN:.....	140
SECTION 10-21-4—AIRPORT INFLUENCE AREAS AND OTHER AREAS:.....	141
SECTION 10-21-5—NOTICE REQUIRED: .....	141
SECTION 10-21-6—REASONABLE REQUIREMENTS AND CONDITIONS AUTHORIZED:.....	141
SECTION 10-21-7—WARNING AND DISCLAIMER OF LIABILITY: .....	142
<b>TITLE 10, CHAPTER 22 .....</b>	<b>143</b>
<b>DEVELOPMENT AGREEMENTS .....</b>	<b>143</b>
SECTION 10-22-1—PURPOSE:.....	143
SECTION 10-22-2—SCOPE: .....	143
SECTION 10-22-3—DEVELOPMENT AGREEMENT REQUIREMENTS:.....	143
SECTION 10-22-4—DEVELOPMENT AGREEMENT PROCEDURES: .....	144
SECTION 10-22-5—DEVELOPMENT AGREEMENT REVIEW: .....	145
SECTION 10-22-6—EFFECT OF APPROVAL: .....	145
SECTION 10-22-7—BINDING NATURE OF DEVELOPMENT AGREEMENTS:.....	145
SECTION 10-22-8—EXPENSES:.....	145
SECTION 10-22-9—ENFORCEMENT:.....	146
<b>TITLE 10, CHAPTER 23 .....</b>	<b>147</b>
<b>ENFORCEMENT.....</b>	<b>147</b>
SECTION 10-23-1—PURPOSE:.....	147
SECTION 10-23-2—VIOLATIONS AND BUILDING PERMITS: .....	147
SECTION 10-23-3—TYPES OF VIOLATIONS:.....	147
SECTION 10-23-4—CONTINUING VIOLATION: .....	148
SECTION 10-23-5—LEGAL NONCONFORMITY AN AFFIRMATIVE DEFENSE:.....	148

SECTION 10-23-6—REVOCATION OF LAND USE APPLICATION APPROVALS: .....	148
SECTION 10-23-7—PROCEDURES FOR REVOCATION OR MODIFICATION OF A LAND USE APPLICATION APPROVAL: .....	149
SECTION 10-23-8—STOP WORK: .....	149
SECTION 10-23-9—PENALTIES FOR VIOLATIONS: .....	149
SECTION 10-23-10—CIVIL PENALTIES: .....	149
SECTION 10-23-11—APPEAL: .....	150
<b>TITLE 10, CHAPTER 24 .....</b>	<b>151</b>
<b>CONSTITUTIONAL TAKINGS .....</b>	<b>151</b>
SECTION 10-24-1—PURPOSE:.....	151
SECTION 10-24-2—GUIDELINES ADVISORY:.....	151
SECTION 10-24-3—REVIEW OF TAKINGS APPLICATION REQUIRED: .....	151
SECTION 10-24-4—RESULTS OF REVIEW: .....	151
<b>APPENDIX A.....</b>	<b>152</b>
<b>TABLE OF USES AND ACCOMPANYING USE DEFINITIONS .....</b>	<b>152</b>
<b>APPENDIX B-1 .....</b>	<b>183</b>
<b>DEVELOPMENT STANDARDS FOR PRIMARY BUILDINGS AND STRUCTURES .....</b>	<b>183</b>
<b>APPENDIX B-2 .....</b>	<b>186</b>
<b>DEVELOPMENT STANDARDS FOR DETACHED ACCESSORY BUILDINGS AND STRUCTURES .....</b>	<b>186</b>

**TITLE 10, CHAPTER 1**

**TITLE, PURPOSE, DECLARATION OF INTENT AND EFFECTIVE DATE**

**Section 10-1-1—Short Title:**

This Ordinance shall be known and may be referred to as the “Millard County Zoning Ordinance.” The Millard County Zoning Ordinance may, in subsequent chapters and sections, and in the Administrative Manual be referred to as “Ordinance,” “the Ordinance,” “this Ordinance” or “Zoning Ordinance.” This Ordinance may be codified in the Millard County Code.

**Section 10-1-2—Authority:**

The Board of County Commissioners of Millard County, Utah (hereinafter “BOCC”) adopts this Ordinance pursuant to the State of Utah County Land Use, Development, and Management Act, as provided at §17-27a *et seq.* Utah Code Annotated, 1953, as amended (U.C.A.) (hereinafter “the Act”) and all other authorities and provisions of Utah and Federal statutory and common law, as applicable. This Ordinance constitutes part, and is a component of, the Millard County Land Use Ordinances, as provided and authorized by the Act.

**Section 10-1-3—Declaration:**

This Ordinance provides for the establishment of Zoning Districts, with associated requirements, standards, and other provisions for the guidance, management, and regulation of land uses, buildings and structures, and activities occurring on all unincorporated areas located within the boundaries of Millard County. This ordinance is declared to be consistent with, and to meet the requirements of the Act.

**Section 10-1-4—Purpose:**

This Ordinance is provided to implement the goals and policies of the Millard County General Plan (hereinafter “General Plan”) and the other purposes, as provided by the Act. This Ordinance contains standards, provisions and requirements intended to protect the health, safety, and welfare of the citizens and businesses of Millard County, to guide and manage growth and development, and to promote the orderly use of all unincorporated lands located within the County. It is the purpose of this Ordinance to provide a means of ensuring predictability and consistency in the use and development of all unincorporated lands located within the County.

**Section 10-1-5—Definitions:**

All definitions included in the Administrative Manual are incorporated herein by this reference and shall be considered as if they are included and part of this Ordinance.

**Section 10-1-6—Provision of Administrative Guidelines, Standards, and Other Materials – Compliance Required:**

- 1) The BOCC may provide a Land Use Ordinances Administrative Manual (hereinafter “Administrative Manual”) to provide administrative guidelines, standards, forms, and other documents to assist the County Staff, County residents, and Applicant(s) in providing and processing Applications and interpreting and administering the County’s Land Use Ordinances, including this Ordinance.
- 2) When provided by the BOCC the Land Use Applications required by this Ordinance shall be reviewed and approved or denied by the Land Authority, as applicable, in compliance with all requirements and standards of this Ordinance and all guidelines, standards, forms, or other documents, as applicable, and in effect on the date an Application is determined complete by the County Planner/Zoning Administrator.

**Section 10-1-7—Applicability:**

- 1) Applications accepted by the County as complete for any approval required by the provisions of this Ordinance shall be processed, reviewed and approved or denied, subject to the provisions of this Ordinance and all other Ordinances and Resolutions of the County, as applicable and in effect at the time the Application is determined to be “complete,” by the Millard County Planner (hereinafter “County Planner/County Planner/Zoning Administrator”) as required by this Ordinance and Resolutions, as applicable.
- 2) No building or structure shall be erected, and no existing building or structure shall be moved, altered or enlarged nor shall any land, building or premises be used, designed or intended to be used for any use, activity, purpose, or in any manner other than as allowed by this Ordinance.
- 3) The provisions of this Ordinance shall apply to all unincorporated lands located within the boundaries of Millard County, unless exempted by the provisions of this Ordinance, or other lawful exemption.

- 4) The provisions of this Ordinance shall be held to be the minimum requirements necessary to protect the health, safety, and welfare of the citizens of Millard County, and achieve the purposes of this Ordinance and the Act.

**Section 10-1-8—Conflict:**

This Ordinance shall not nullify any laws, ordinances, or requirements that are more restrictive, but shall prevail notwithstanding such laws, ordinances, or requirements that are less restrictive.

**Section 10-1-9—Permits and Licenses to Conform to this Ordinance:**

All officials, employees, and agents with the duty or authority to issue approvals, permits, or licenses required by this Ordinance shall require that such approvals, permits, or licenses conform to the provisions of this Ordinance and shall not issue any approvals, permits, or licenses for any use(s), activity(ies), building(s), or structure(s) in conflict with the provisions of this Ordinance. Any approval, permit, or license issued in violation of this Ordinance shall be invalid and void.

**Section 10-1-10—Effective Date:**

This Ordinance shall take effect on \_\_\_\_\_ and following its adoption by the BOCC.

**Section 10-1-11—Omissions not a Waiver:**

An omission to specify or enumerate in this Ordinance those provisions of general law applicable to all Utah counties shall not be construed to be a waiver of any such laws.

**Section 10-1-12—Repealer and Effect:**

Upon its adoption by the BOCC, and upon its effective date, this Ordinance shall repeal Title 10, Zoning Regulations, County Code of Millard County, Utah and existing on the effective date of this Ordinance and shall govern and apply to the use of all unincorporated lands located within the boundaries of Millard County, Utah. The provisions of this Ordinance shall be construed to carry out the purposes of this Ordinance and the purposes of the State of Utah enabling laws, including the Act, and to avoid conflict with the laws of the United States of America, the State of Utah, or any other limitations imposed by law. If a court of competent jurisdiction declares any chapter, section, subsection, provision, sentence, clause or word of this Ordinance unconstitutional, such determination shall not impair the validity of the remainder of this Ordinance, which shall remain in effect.

## **TITLE 10, CHAPTER 2 LAND USE AUTHORITIES**

### **Section 10-2-1—Land Use Authorities:**

The Land Use Authorities identified by this Ordinance shall have responsibilities for implementing and administering the Millard County General Plan, this Ordinance, the Millard County Subdivision Ordinance, and the County's other Land Use Ordinances and Resolutions, as provided and allowed by the Act. The County's Land Use Authorities, with their respective responsibilities and other organization and functioning items, are identified by the following Sections.

### **Section 10-2-2—Millard County Board of County Commissioners:**

- 1) The BOCC is both a Land Use Authority and Appeals Authority, as defined by the Act, and shall have the following powers and duties under this Ordinance:
  - a) To appoint members of a Planning Commission to carry out the duties and responsibilities as provided by this Ordinance.
  - b) To appoint a Land Use Hearing Officer to carry out the duties and responsibilities as provided by this Ordinance.
  - c) To appoint a County Planner/Zoning Administrator for the efficient and consistent administration of this Ordinance and to carry out the duties and responsibilities as provided by this Ordinance.
  - d) To adopt, and to initiate amendments to the Millard County General Plan, and all elements of the General Plan.
  - e) To adopt and to initiate amendments to the County's Land Use Ordinances, including this Ordinance.
  - f) To adopt and to initiate amendments to the County's Land Use Resolutions, including the Administrative Manual.
  - g) To approve, approve with conditions, or deny all Conditional C-2 Use Applications.
  - h) To approve, approve with requirements, or deny all Preliminary Subdivision (Major) Applications and all Final Subdivision (Major) Applications.

- i) To appoint a Recording Secretary for all Land Use Authorities, as identified herein.
  - j) To render a decision, or appoint a hearing officer to render a recommendation to the BOCC prior to a BOCC decision, if an Applicant asserts a deprivation of, or has been subject to a taking of property without just compensation, or asserts some other constitutional invalidity, as provided by Chapter 24, herein.
  - k) By Resolution to establish a Fee Schedule for all approvals, permits and licenses required by this Ordinance.
  - l) To approve all bylaws, policies, and procedures for the conduct of all duties and meetings, for the consideration of Applications, and for any other purposes for the efficient functioning of the County's Land Use Authorities.
  - m) To take such other action(s) not expressly delegated to any other Land Use Authority.
- 2) **Effective Date of Decisions, Exceptions, Meeting Minutes.** All decisions of the BOCC, made under this Ordinance, shall take effect on the date of the BOCC meeting when the decision is made, unless a different date is designated by the BOCC at the time the decision is made. The minutes of all meetings of the BOCC shall be filed in the office of the Millard County Clerk (hereinafter "County Clerk"). All such records shall be the official record of the BOCC and shall be available for public review and access in accordance with the State of Utah Government Records and Access Management Act (hereinafter "GRAMA").

#### **Section 10-2-3—Millard County Planning Commission:**

The Millard County Planning Commission (hereinafter "Commission") was heretofore created and established by the BOCC pursuant to the Act, or its prior enactments. The Commission is a Land Use Authority, as defined by the Act.

- 1) **Powers and Duties.** The Commission shall be an advisory body to the BOCC on legislative matters pertaining to the General Plan and Land Use Ordinances. The Commission shall have the following powers and duties under this Ordinance:
- a) To prepare, or cause to be prepared, the proposed Millard County General Plan, any proposed plan element, any amendments thereto, and to transmit such plan, element or amendments to the BOCC, with the Commission's recommendation.



- b) To prepare or cause to be prepared all proposed County Land Use Ordinances, including all maps and text, any amendments thereto, and to transmit such Land Use Ordinances, maps, text, or amendments thereto to the BOCC, with the Commission's recommendation.
- c) To approve, approve with revisions, or deny all Permitted P-2 Use Applications.
- d) To approve, approve with conditions, or deny all Conditional C-1 Use Applications.
- e) To hear, review, and recommend approval, approval with conditions, or denial of all Conditional Use C-2 Applications and to transmit such recommendation to the BOCC.
- f) To approve, approve with conditions, or deny all Conditional C-1 and C-2 Sign Applications.
- g) To approve, approve with requirements, or deny all Preliminary Subdivision (Minor) Applications and all Final Subdivision (Minor) Applications.
- h) To hear, review, and recommend approval, approval with revisions, or denial of all Preliminary Subdivision (Major) Applications and all Final Subdivision (Major) Applications and to transmit such recommendation to the BOCC.
- i) To adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Commission, provided that such bylaws, policies, and procedures are approved by the BOCC before taking effect.
- j) Advise the BOCC on all other matters as the BOCC may direct.

**2) Membership: Appointment, Removal, Terms, and Vacancies.**

- a) The Commission shall consist of seven (7) members.
- b) The members of the Commission shall be residents of Millard County.
- c) The BOCC shall appoint members of the Commission.
- d) The BOCC may remove any member of the Commission after a public hearing and by a majority vote by the BOCC.

- e) Members of the Commission shall serve without compensation, and the BOCC shall provide for reimbursement to Commission members for approved actual expenses incurred, upon presentation of proper receipts.
  - f) Members of the Commission shall serve a term of three (3) years. Member's terms are to be staggered so that not more than two (2) member's terms shall expire each year. A Commission member shall not be automatically reappointed.
  - g) At an annual organizational meeting to be held the first regular meeting in the new calendar year, and at other times as required, the members of the Commission shall, by motion and majority vote of the Commission, appoint one (1) of their members as chair and one (1) of their members as vice-chair. The chair and vice-chair shall serve a term of one (1) year. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair.
  - h) The chair, or in the chair's absence, the vice-chair shall be in charge of all proceedings before the Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission.
  - i) Commission vacancies occurring for any reason shall be filled by the BOCC. Vacancies of the Commission occurring in ways other than through the expiration of terms shall be filled for the remainder of the member's unexpired term.
- 3) **Recording Secretary.** The Recording Secretary shall keep the minutes of all proceedings of the Commission, which minutes shall be the official record of all proceedings before the Commission, attested to by a majority vote of the members of the Commission. The minutes of all meetings of the Commission shall be filed in the office of the County Clerk. All such records shall be available for public review and access in accordance with GRAMA. The Recording Secretary shall be compensated as approved by the BOCC.
- 4) **Quorum and Necessary Vote.** No meeting of the Commission shall be called to order, nor may any business be transacted without a quorum consisting of at least four (4) members of the Commission being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the Commission. All decisions and recommendations of the Commission shall require the concurring vote of a minimum of four (4) members of the Commission. The Commission may transmit reports of its decisions and recommendations to the BOCC. Any member of the Commission may also make a concurring or dissenting report or recommendation to the BOCC.

5) **Effective Date of Decisions.** All decisions of the Commission shall become effective on the date of the meeting when the decision is made, unless the Commission at the time the decision is made designates a different date.

6) **Meetings, Hearings, and Procedure.**

- a) The Commission shall establish a regular meeting schedule.
- b) Special meetings may be requested by a majority vote of the Commission, or by the chair of the Commission.
- c) When a matter is postponed due to lack of a quorum, the matter shall be rescheduled. The Recording Secretary shall notify all members of the Commission, and all interested parties, of the date when the Commission will hear the rescheduled matter.

**Section 10-2-4—Millard County Planner/Zoning Administrator:**

The County Planner is hereby designated as the County Planner/Zoning Administrator and a Land Use Authority, as defined by the Act.

- 1) **Powers and Duties.** It is the responsibility of the County Planner/Zoning Administrator to ensure all administrative processes, procedures and other provisions of the Land Use Ordinances are consistently and equitably applied. The County Planner/Zoning Administrator shall have the following powers and duties:
- a) To make necessary interpretations of this Ordinance, as provided by the Administrative Manual.
  - b) To approve, approve with revisions, or deny all Permitted P-1 Use Applications.
  - c) To perform and carry out all other duties, as identified herein or by the County's other Land Use Ordinances and Administrative Manual.
  - d) To determine completeness of all Land Use Applications, as required by Chapter **xx**, Administrative Manual.
  - e) To perform and carry out all other duties, as identified by this Ordinance and the Administrative Manual.

**Section 10-2-5—Millard County Land Use Hearing Officer:**

The Millard County Land Use Hearing Officer (hereinafter “LUHO”) is both a Land Use Authority and Appeals Authority, as defined by the Act.

**1) Powers and Duties.** The LUHO shall:

- a) Hear and decide Applications for a Variance from the terms of this Ordinance, with a finding of an unreasonable hardship as required by the Act, and as provided by Chapter 11.
- b) Hear and decide Applications for a Determination of a Nonconforming Use, Noncomplying Structure, or other Nonconformity, as provided by Chapter 12.
- c) To act as an Appeal Authority, as provided by Chapter 14, herein.
- d) Recommend to the Commission and BOCC amendments to the Millard County General Plan and any County Land Use Ordinance, as the LUHO considers necessary.
- e) To adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the LUHO, provided that such bylaws, policies, and procedures are approved by the BOCC before taking effect.

**2) The LUHO shall have no power or authority to consider any of the following:**

- a) To hear and decide a variance or waiver to any of the standards governing the approval of a General Plan Amendment Application, or Land Use Ordinance Amendment Application.
- b) To hear and decide any Applications for a General Plan Amendment.
- c) To hear and decide any Applications for any Land Use Ordinance Amendment.
- d) Make any decisions or determinations that would have the effect of authorizing a use, which is not identified in Appendix A, Table of Uses.
- e) To take any other action, or make any decision, not expressly provided by this Section.

**3) Membership: Appointment, Removal, Terms, and Vacancies.**

- a) The LUHO shall consist of a single person.

- b) The BOCC shall appoint the LUHO.
  - c) The BOCC may remove the LUHO with cause in writing.
  - d) The LUHO shall serve with compensation, and the BOCC shall provide for reimbursement to the LUHO for approved actual expenses incurred, upon presentation of proper receipts.
  - e) The LUHO shall serve a term of five (5) years. The LUHO shall not be automatically reappointed.
- 4) **Recording Secretary.** The Recording Secretary shall keep the minutes of all proceedings of the LUHO, which minutes shall be the official record of all proceedings before the LUHO. The minutes of all meetings of the LUHO shall be filed in the office of the County Clerk. All such records shall be available for public review and access in accordance with GRAMA. The Recording Secretary shall be compensated as approved by the BOCC.
- 5) **Effective date of Decisions.** All decisions of the LUHO shall become effective on the date of the meeting when the decision is made, unless a different date is designated by the LUHO at the time the decision is made.
- 6) **Meetings, Hearings, and Procedure.**
- a) Regular meetings of the LUHO shall be held as required.

**Section 10-2-6—Support:**

The officers and staff of the County shall provide support and assistance to the BOCC, Commission, County Planner/Zoning Administrator and LUHO, as required to effectively implement the General Plan and Land Use Ordinances.

**Section 10-2-7—Meetings and Public Hearings:**

All meetings and hearings of the BOCC, Commission, and LUHO required by the Land Use Ordinances, including this Ordinance, shall comply with the provisions for such meetings and hearings, and the requirements of the Utah Code Annotated, as amended, for open and public meetings.

**Section 10-2-8—Exactions:**

A Land Use Authority may impose an exaction, or exactions, on a Land Use Application if:

- 1) An essential link exists between a legitimate governmental interest and each exaction; and
- 2) Each exaction is roughly proportionate, both in nature and in extent, to the impact being created by the proposed use, activity, or development.

**Section 10-2-9—Acquisition of a Billboard by Eminent Domain – Removal without providing Compensation – Limit on allowing Nonconforming Billboards to be Rebuilt:**

The County shall comply with all requirements of the Act when a billboard is acquired by the County by eminent domain, or when the County requires the removal of a billboard without compensation, or when a billboard is determined to be a nonconforming use or noncomplying structure.

**Section 10-2-10—Acquiring Property:**

- 1) The County may acquire property through purchase, gift, voluntary dedication, or eminent domain.
- 2) A Land Use Authority may require the public dedication and improvement of a road, street, or other infrastructure or facility if the County because of a proposed use activity, or development finds the road, street, or other infrastructure or facility necessary, and with a finding that such requirement complies with the standards of Section 10-2-8 herein.

**TITLE 10, CHAPTER 3**

**LAND USE APPLICATIONS—DECISION MAKING STANDARDS**

**Section 10-3-1—Various Applications Provided:**

- 1) This Ordinance and the Administrative Manual provides for a number of Land Use Applications.
- 2) The Land Use Applications required by this Ordinance and the Administrative Manual shall be reviewed and approved or denied by the Land Authority, as applicable, and in compliance with all requirements and standards of this Ordinance and the Administrative Manual, as applicable.

**Section 10-3-2—Decision Making Standards:**

The decision-making standards set forth in this Chapter are provided, based on the distinction between legislative and administrative proceedings. Legislative proceedings establish public law and policy that is applicable generally, while administrative proceedings apply public law and policy to factually distinct, individual circumstances.

**1) Legislative Proceedings.**

The BOCC is hereby identified to be the only Land Use Authority of the County authorized to render a decision on any Application determined to be a legislative matter and subject to a legislative proceeding. The following Applications and actions are declared to be legislative matters and subject to legislative proceedings:

- a) General Plan adoption.
- b) General Plan Amendment Application.
- c) Land Use Ordinance adoption.
- d) Land Use Ordinance Amendment Application.
- e) Zoning Districts Map Amendment Application (Rezoning).
- f) Official Map Amendment Application.
- g) Temporary Land Use Regulations.

**2) Legislative Proceedings - Decision Standards.**

A decision regarding a legislative matter shall be based on the "reasonably debatable" standard, as follows:

- a) In rendering a decision for a legislative matter, involving a legislative proceeding, the BOCC may consider the following to promote the public health, safety, the public interest of the County and its residents:
  - i) Reports, information and testimony presented at the public hearing(s) or public meeting(s) when the legislative matter was considered; and
  - ii) The personal knowledge of BOCC members regarding the various conditions and activities bearing on the issue.
  - iii) The BOCC shall identify the basis, and any findings of fact for the decision, in the public record of the meeting when the legislative matter is decided.

### **3) Administrative Proceedings.**

The following types of Applications are hereby declared to be administrative matters and subject to administrative proceedings:

- a) Permitted P-1 Use Application.
- b) Permitted P-1 Sign Application.
- c) Permitted P-2 Use Application.
- d) Conditional C-1 Use Application.
- e) Conditional C-2 Use Application.
- f) All Permitted P-1, P-2, and Conditional C-1 Sign Applications.
- g) All Subdivision Applications, including all Preliminary and Final Subdivision Applications.
- h) Applications for a Determination of Nonconforming Use(s), Noncomplying Structure(s), and other Nonconformities.
- i) Variance Application.
- j) Building Permit Application.
- k) Determination of Application Completeness.
- l) All Development Agreements.
- m) All other Applications for any necessary approval, permit, or license required by the provisions of this Ordinance, and not identified to be a legislative matter, subject to legislative proceedings, as identified by this Chapter.

### **4) Administrative Proceedings - Decision Standards.**

All decisions regarding an administrative matter shall be based on the "substantial evidence" standard including, as a minimum, the following:



- a) A statement of the standards for approval applicable to the Application.
- b) A summary of the facts and evidence presented to the Land Use Authority at the public hearing(s) or public meeting(s) when the administrative matter was considered
- c) A statement of findings of fact or other factors considered, including the specific references to applicable standards, as set forth in the Land Use Ordinances, or other provisions; and
- d) A statement of approval, approval with revisions or conditions, or disapproval, as applicable.

## **TITLE 10, CHAPTER 4 LAND USE APPLICATIONS – PROCEDURES**

### **Section 10-4-1—Purpose:**

Land Use Applications, and their accompanying procedures, are formulated to achieve the purposes of this Ordinance.

### **Section 10-4-2—Application Forms:**

The BOCC may provide Application forms and may identify submittal requirements and processing procedures for the acceptance and filing of all Land Use Applications. Such requirements and procedures shall be contained in the Administrative Manual.

### **Section 10-4-3—Land Use Application Procedures:**

The steps in the review and consideration of the various Land Use Applications, authorized by this Ordinance may be provided with the applicable Application form. Such Applications may be contained in the Administrative Manual.

### **Section 10-4-4—Determination of Completeness of Land Use Applications:**

All Land Use Applications required by this Ordinance shall be determined to be complete, by the County Planner/Zoning Administrator, as required by the Administrative Manual and prior to consideration by a Land Use Authority.

### **Section 10-4-5—Scope of Land Use Application Approvals:**

- 1) The rights conferred by a Land Use Application approval by the Land Use Authority shall be limited to those rights granted in the applicable provisions of this Ordinance and subject to any requirements or conditions.
- 2) The Land Use Authority shall consider a Land Use Application approval void and invalid one hundred and eighty (180) calendar days after approval, unless the Applicant has proceeded with reasonable diligence to establish the approved use or activity, or construction has commenced.
- 3) A Land Use Application approval shall be invalid and null and void if a use is not conducted, or a building or structure is established in violation of any requirements of all Land Use Ordinances, requirements or conditions of approval.

**Section 10-4-6—Land Use Authorities to Comply with all Land Use Ordinances and Resolutions:**

Each Land Use Authority shall comply with all requirements of all Land Use Ordinances, as applicable, including this Ordinance, and shall comply with all Resolutions, including the Administrative Manual, as applicable.

**Section 10-4-7—Land Use Permits Required to comply with Land Use Authority Decision:**

The approval of a Land Use Application, and the associated Land Use Permit, shall comply with all requirements, conditions, terms and standards of approval.

**Section 10-4-8—When an Applicant is Entitled to Approval of an Application – Exceptions – County May Not Impose Unexpressed Requirements – County Required to Comply with the Requirements of this Ordinance:**

An Applicant is entitled to the approval of an Application, required by this Ordinance, if such Application conforms to the requirements of this Ordinance, and the County's other Land Use Ordinances and Resolutions, including the Administrative Manual, as applicable, and in effect when the Application is determined to be complete by the County Planner/Zoning Administrator unless:

- 1) The Land Use Authority, on the record, finds a compelling, countervailing public interest would be jeopardized by approving the Application; or
- 2) In the manner provided by this Ordinance, and before the Application is submitted or determined to be complete, the County has formally initiated proceedings to amend its Land Use Ordinances in a manner that would prohibit approval of the Application, as submitted.
- 3) The County shall process an Application without regard to proceedings initiated to amend the County's Land Use Ordinances if:
  - a) One-hundred and eighty (180) calendar days have passed since the proceedings were initiated; and
  - b) The proceedings have not resulted in an enactment that prohibits approval of the Application, as submitted.

- 4) If the Land Use Application conforms fully to this Ordinance, the County's other Land Use Ordinances, all Resolutions including the Administrative Manual, the Land Use Application shall be approved.
- 5) The County shall not impose on an Applicant, or any holder of any approval required by this Ordinance, any requirement that is not expressed:
  - a) In the approval required by this Ordinance, or in documents on which such approval is based; or
  - b) In this Ordinance, or in the County's other Land Use Ordinances and Resolutions.
- 6) The County shall not withhold the issuance of a Certificate of Occupancy because of an Applicant's failure to comply with a requirement that is not expressed:
  - a) In the Building Permit, or in documents on which the Building Permit is based.
  - b) In the approval required by this Ordinance, or in documents on which such approval is based; or
  - c) In this Ordinance, or the County's other Land Use Ordinances and Resolutions, including the Subdivision Ordinance and Administrative Manual.
- 7) The County shall be bound by the terms and standards of this Ordinance, and the County's other Land Use Ordinances and Resolutions, including the Administrative Manual, as applicable, and shall comply with all mandatory requirements and provisions of such Ordinances and Resolutions.
- 8) The County shall process and render a decision on each Application required by this Ordinance with reasonable diligence.

**Section 10-4-9—Vesting of Zoning Rights:**

On the date of a determination of a complete Application by the County Planner/Zoning Administrator, an Application for any Land Use Application, as may be required by this Ordinance, shall vest pursuant to the terms of this Ordinance in effect, unless such vesting is affected by a pending amendment to this Ordinance, or a temporary zoning regulation.

**Section 10-4-10—Procedural Irregularities:**

- 1) **Validity of Action.** Notwithstanding any provision of this Ordinance which sets forth a procedure for any matter, no action, inaction or recommendation regarding the matter which is the subject of the procedure shall be void or invalid or set aside by a court due to any error (including, but not limited to, any irregularity, informality, neglect or omission) which pertains to an Application, notice, finding, record, hearing, report, recommendation or any other procedural matter whatsoever unless:
  - a) The procedure is required by State or Federal law; and
  - b) In an examination of the circumstances, including the record, the court is of the opinion that the procedural error complained of was prejudicial to a substantial right of the complainant as shown by the following:
    - i) Had the error not occurred the decision made pursuant to the procedure would have been different, and
    - ii) Because of the error, the complainant suffered an injury for which relief must be given.
- 2) **Presumption of Validity.** The court shall presume that action taken pursuant to a procedure was done in good faith and shall not presume that an error is prejudicial or that an injury occurred. The complainant shall have the burden of proof to show that an error is prejudicial or that an injury occurred.

## **TITLE 10, CHAPTER 5 APPLICATIONS TO AMEND COUNTY GENERAL PLAN**

### **Section 10-5-1—Purpose:**

This Chapter and the Administrative Manual provides the minimum standards and procedures required for the review of Applications to amend the County's General Plan.

The Millard County General Plan, with accompanying its text and maps, is considered an advisory policy document for the purposes of land use decision-making.

### **Section 10-5-2—BOCC the Land Use Authority for General Plan Amendment Applications:**

The BOCC is authorized as the Land Use Authority responsible to review and approve, approve with revisions, or deny all General Plan Amendment Applications.

### **Section 10-5-3— Procedures and Review Standards for General Plan Amendment Applications:**

- 1) The procedures for the review of a General Plan Amendment Application are identified by Chapter 9, Administrative Manual.
- 2) In considering a General Plan Amendment Application, the Commission in formulating a recommendation, and the BOCC in deciding a General Plan Amendment Application shall consider the following factors, among others:
  - a) The effect of the proposed amendment on the overall well-being of the County.
  - b) The effect of the proposed amendment on the public health, welfare, and safety.
  - c) The effect of the proposed amendment on the interests of the County, and its residents.
  - d) The ability of the County, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the uses and activities proposed by the amendment.
  - e) Compatibility of the proposed uses and activities with nearby and adjoining properties.
  - f) The suitability of the properties for the uses and activities proposed.

- g) The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any revisions to the County's Land Use Ordinances, and any other Ordinances required to implement the amendment.

**Section 10-5-4—Findings Required for Approval of a General Plan Amendment Application:**

The Commission in making a recommendation, and the BOCC in deciding a General Plan Amendment Application, shall find that all the procedural requirements and review standards of Section 10-5-3 have been met.

**Section 10-5-5—Effect of Approval of a General Plan Amendment Application:**

The approval of a General Plan Amendment Application shall not authorize the development of land. After the BOCC has approved a General Plan Amendment Application, no development shall occur until the required Land Use Application approval have been issued by a Land Use Authority, as applicable, consistent with the requirements of the County's Land Use Ordinances, and other Ordinances, as applicable.

**Section 10-5-6—Appeals:**

Any person aggrieved by a decision of the BOCC for any General Plan Amendment Application may appeal the decision to the Appeal Authority, as identified by Chapter 14.

**TITLE 10, CHAPTER 6**

**APPLICATIONS TO AMEND COUNTY LAND USE ORDINANCES (DEVELOPMENT  
CODE)**

**Section 10-6-1—Purpose:**

This Chapter and the Administrative Manual provides the standards and procedures for the review of Applications to amend the County's Land Use Ordinances, including Applications to amend this Ordinance, including text and map amendments, a Rezone (Zoning Districts Map amendment) or Official Map Amendment.

All Millard County Land Use Ordinances, including this Ordinance, with the accompanying Zoning Districts Map, is considered the County's land use laws for the purposes of land use decision-making.

**Section 10-6-2—BOCC the Land Use Authority for Land Use Ordinance Amendment Applications:**

The BOCC is authorized as the Land Use Authority responsible to review and approve, approve with revisions, or deny all Land Use Ordinance Amendment Applications.

**Section 10-6-3—Procedures and Review Standards for Land Use Ordinance Amendment Applications:**

- 1) The procedures for the review of a Land Use Ordinance Amendment Application are identified by Chapter 10, Administrative Manual.
- 2) In considering a Land Use Ordinance Amendment Application, the Commission in formulating a recommendation, and the BOCC in deciding a Land Use Ordinance Amendment Application shall consider the following factors, among others:
  - a) Consistency of the proposed amendment with the County General Plan.
  - b) The effect of the proposed amendment on the overall well-being of the County.
  - c) The effect of the proposed amendment on the public health, welfare, and safety.
  - d) The effect of the proposed amendment on the interests of the County, and its residents.



- e) The ability of the County, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the uses and activities allowed by the proposed amendment.
- f) Compatibility of the proposed uses and activities with nearby and adjoining properties.
- g) The suitability of the properties for the uses and activities proposed.
- h) The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any revisions to the County's Land Use Ordinances, and any other Ordinances, required to implement the amendment.

**Section 10-6-4—Findings Required for Approval of a Land Use Ordinance Amendment Application:**

The Commission in making a recommendation, and the BOCC in deciding a Land Use Amendment Application, shall find that all the procedural requirements and review standards of Section 10-6-3 have been met.

**Section 10-6-5—Effect of Approval of a Land Use Ordinance Amendment Application:**

The approval of a Land Use Ordinance Amendment Application shall not authorize the development of land. After the BOCC has approved a Land Use Ordinance Amendment Application, by Ordinance, no development shall occur until the required Land Use Application approvals have been issued by a Land Use Authority, as applicable, consistent with the requirements of the County's Land Use Ordinances, and other Ordinances, as applicable.

**Section 10-6-6—Appeals:**

Any person aggrieved by a decision of the BOCC for any Land Use Ordinance Amendment Application may appeal the decision to the Appeal Authority, as identified by Chapter 14.

**Section 10-6-7—Temporary Land Use Regulations:**

As provided by the Act, the BOCC without receiving a Commission recommendation and without holding a public hearing may adopt a temporary land use regulation for all or a part of the unincorporated areas of the County if the BOCC makes a finding of a compelling, countervailing public interest, or the area is unregulated. A temporary land use regulation shall comply with all requirements of the Act, as applicable.

**Section 10-6-8—Effect of a Pending Land Use Ordinance, Official Map Amendment, or Temporary Land Use Regulation:**

- 1) An Applicant is entitled to action on a Land Use Application by the Land Use Authority, as applicable, in effect on the date the County Planner/Zoning Administrator determines the Application complete and all fees have been paid unless:
  - a) The Land Use Authority, on the record, finds a compelling, countervailing public interest would be jeopardized by approving the Application; or
  - b) In the manner provided by this Chapter, and before the Land Use Application is filed and determined to be complete by the County Planner/Zoning Administrator, the County has formally initiated proceedings to amend a Land Use Ordinance, including this Ordinance, or Official Map, in a manner that would prohibit or otherwise effect the approval of the Application, as submitted; or
  - c) The BOCC, as provided by Section 10-6-7, has adopted a temporary land use regulation affecting the Application.
- 2) A Land Use Application approval affected by a pending Land Use Ordinance Amendment, Official Map Amendment, or Temporary Land Use Regulation shall be subject to the following:
  - a) The Application shall not be acted upon until one hundred eighty (180) days from the date when the pending Land Use Ordinance Amendment, Official Map Amendment, or Temporary Land Use Regulation was first noticed on a Commission or BOCC agenda, unless:
    - i) The Applicant voluntarily agrees to amend the Land Use Application to conform to the requirements of the pending amendment or temporary land use regulation; or
    - ii) One hundred eighty (180) calendar days have passed since the amendment proceedings were initiated or the adoption of the temporary land use regulation; or
    - iii) A decision concerning the proposed amendment is made sooner than one hundred eighty (180) calendar days since the amendment proceedings were initiated.
- 3) Upon a decision on a Land Use Ordinance Amendment or Official Map Amendment Application by the BOCC, all decisions for any approval, permit or license filed during the

period the Land Use Ordinance Amendment or Official Map Amendment is pending, or thereafter, shall conform to the requirements of the Land Use Ordinance or Official Map, as amended.

- 4) A Land Use Authority shall process an Application without regard to proceedings initiated to amend a Land Use Ordinance or Official Map if:
  - a) One hundred eighty (180) calendar days have passed since the proceedings were initiated; and
  - b) The proceedings have not resulted in an enactment that would prohibit action on the Application, as submitted; or
  - c) One hundred eighty (180) calendar days have passed since the adoption of the temporary land use regulation.
- 5) An Application shall be deemed “filed” when the Application is determined complete by the County Planner/Zoning Administrator and all fees have been paid.
- 6) When a proposed Land Use Ordinance Amendment or Official Map Amendment Application is pending, an Application for any Land Use Application approval, permit, or license, as required by the Land Use Ordinances of the County, which may be affected by the proposed amendment, shall not be entitled to rely on the existing Land Use Ordinances or Official Map, which may be amended.

## **TITLE 10, CHAPTER 7 PERMITTED USE APPLICATIONS**

### **Section 10-7-1—Purpose:**

This Chapter and the Administrative Manual provides the minimum standards and procedures for the review of all Permitted Use and Permitted Sign Applications and required to determine compliance with this Ordinance.

### **Section 10-7-2—County Planner/Zoning Administrator and Commission are the Land Use Authorities for Permitted Use and Permitted Sign Applications:**

- 1) The County Planner/Zoning Administrator is authorized as the Land Use Authority responsible to review and approve, approve with revisions, or deny all Permitted P-1 Use Applications and all P-1 Sign Applications.
- 2) The Commission is authorized as the Land Use Authority responsible to review and approve, approved with revisions, or deny all Permitted P-2 Use Applications and all P-2 Sign Applications.

### **Section 10-7-3— Procedures and Review Standards for Permitted P-1Use, Permitted P-1 Sign, Permitted P-2 Use, and Permitted P-2 Sign Applications:**

- 1) The procedures for the review of a Permitted P-1 Use Application, and a Permitted P-1 Sign Application, are identified by Chapter 4, Administrative Manual.
- 2) The procedures for the review of a Permitted P-2 Use Application, and a Permitted P-2 Sign Application, are identified by Chapter 4, Administrative Manual.
- 3) The County Planner/Zoning Administrator for Permitted P-1 Use Applications and Permitted P-1 Sign Applications, and the Commission for Permitted P-2 Use Applications and Permitted P-2 Sign Applications, shall review the Application and shall determine:
  - a) The proposed use is a Permitted P-1 Use or a Permitted P-2 Use within the Zoning District as identified in Appendix A, Table of Uses.
  - b) The proposed sign is a Permitted P-1 Sign or a Permitted P-2 Sign within the Zoning District, as identified by Chapter 9 herein.

- c) The proposed use or sign complies with all requirements of the Zoning District, including all minimum area, setbacks, height, and all other requirements as applicable.
- d) The proposed use or sign will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
- e) The property on which the Permitted Use or Permitted Sign is proposed is of adequate size to permit the conduct of the use or sign in a manner that will not be detrimental to adjoining and surrounding properties.
- f) The proposed use or sign complies with all site plan and building requirements, as provided and required by this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
- g) The proposed use or sign complies with all applicable dedication requirements of the County and provides the necessary infrastructure, as required.
- h) Such use or sign will not be detrimental to the health, general welfare and safety of persons or injurious to property or improvements of the immediate area or the County as a whole.

**Section 10-7-4—Findings Required for Approval of Permitted P-1 Use, P-1 Sign, P-2 Use, and P-2 Sign Applications:**

In deciding a Permitted Use or Permitted Sign Application the County Planner/Zoning Administrator for Permitted P-1 Use and Permitted P-1 Sign Applications, and the Commission for Permitted P-2 Use and Permitted P-2 Sign Applications shall find that the procedural requirements and review standards of Section 10-7-3 have been met.

**Section 10-7-5—Decision for a Permitted Use Application:**

- 1) If the Permitted Use or Sign Application complies with all the requirements of this Ordinance, all other applicable Land Use Ordinances, and the Building Codes as adopted, the County Planner/Zoning Administrator for Permitted P-1 Use or Permitted P-1 Sign Applications, and the Commission for Permitted P-2 Use or Permitted P-2 Sign Applications shall approve the Application, with or without revisions and requirements determined necessary for compliance to all requirements.
- 2) If the Permitted Use or Sign Application does not comply with the requirements of this Ordinance, all other applicable Land Use Ordinances, and the Building Codes as adopted, the

County Planner/Zoning Administrator for Permitted P-1 Use or Permitted P-1 Sign Applications and the Commission for Permitted P-2 Use or Permitted P-2 Sign Applications shall not approve the Application, and no building permit shall be issued.

**Section 10-7-6—Effect of Approval:**

- 1) Approval of a Permitted P-1 Use or Permitted P-1 Sign Application by the County Planner/Zoning Administrator shall authorize the establishment of the approved use or sign, subject to any revisions and requirements. Only when the County Planner/Zoning Administrator has approved the Permitted P-1 Use or Permitted P-1 Sign Application, and a Building Permit issued, as required, may any building, activity, construction, or occupancy be commenced. Approval of a Permitted P-1 Use Application or a Permitted P-1 Sign Application shall not be deemed an approval of any other Land Use Application, permit, or license.
- 2) Approval of a Permitted P-2 Use or Permitted P-2 Sign Application by the Commission shall authorize the establishment of the approved use or sign, subject to any revisions and requirements. Only when the Commission has approved the Permitted P-2 Use or Permitted P-2 Sign Application, and a Building Permit issued, as required, may any building, activity, construction, or occupancy be commenced. Approval of a Permitted P-2 Use Application or a Permitted P-2 Sign Application shall not be deemed an approval of any other Land Use Application, permit, or license.

**Section 10-7-7—Appeals:**

- 1) Any person aggrieved by a decision of the County Planner/Zoning Administrator for any Permitted P-1 Use Application or Permitted P-1 Sign Application may appeal the decision to the Appeal Authority, as identified by Chapter 14.
- 2) Any person aggrieved by a decision of the Commission for any Permitted P-2 Use Application or Permitted P-2 Sign Application may appeal the decision to the Appeal Authority, as identified by Chapter 14, herein.

## **TITLE 10, CHAPTER 8 CONDITIONAL USE APPLICATIONS**

### **Section 10-8-1—Purpose:**

This Chapter and the Administrative Manual provides the standards and procedures for the review of all Conditional Use and Conditional Sign Applications and required to determine compliance with this Ordinance.

### **Section 10-8-2—Commission and BOCC are the Land Use Authorities for Conditional Use Applications:**

- 1) The Commission is authorized as the Land Use Authority responsible to review and approve, approve with conditions, or deny all Conditional C-1 Use Applications and all Conditional Sign Applications.
- 2) The BOCC, following the receipt of a Commission recommendation, is authorized as the Land Use Authority responsible to review and approve, approved with conditions, or deny all Conditional C-2 Use Applications.

### **Section 10-8-3— Procedures and Review Standards for Conditional C-1 Use, Conditional C-1 Sign, and Conditional C-2 Use Applications:**

- 1) The procedures for the review of a Conditional C-1 Use Application and a Conditional Sign Application are identified by Chapter 5, Administrative Manual.
- 2) The procedures for the review on a Conditional C-2 Use Application are identified by Chapter xx and Chapter xx, Administrative Manual.
- 3) The Commission for Conditional C-1 Use Applications and Conditional C-1 Sign Applications, and the Commission in formulating a recommendation, and the BOCC in deciding a Conditional C-2 Use Application shall review the Application and shall determine:
  - a) The proposed use is a Conditional Use within the Zoning District as identified in Appendix A, Table of Uses.
  - b) The proposed sign is a Conditional C-1 Sign within the Zoning District as identified in Chapter 9.

- c) The proposed use or sign complies with all requirements of the Zoning District, including all minimum area, setbacks, height, and all other requirements as applicable.
- d) The proposed use or sign will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
- e) The property on which the Conditional Use or Conditional Sign is proposed is of adequate size to permit the conduct of the use or sign in a manner that will not be detrimental to adjoining and surrounding properties.
- f) The proposed use or sign with all site plan and building requirements, as provided and required by this Ordinance all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
- g) The proposed use or sign complies with all applicable dedication requirements of the County and provides the necessary infrastructure, as required.
- h) Such use or sign will not, under the conditions required, be detrimental to the health, general welfare and safety of persons or injurious to property or improvements of the immediate area or the County as a whole.

**Section 10-8-4—Findings Required for Approval of Conditional Use and Conditional Sign Applications:**

- 1) The Commission in deciding a Conditional C-1 Use or Conditional C-1 Sign Application shall find that the procedural requirements and review standards of Section 10-8-3 have been met.
- 2) The Commission in making a recommendation and the BOCC in deciding a Conditional C-2 Use Application shall find that the procedural requirements and review standards of Section 10-8-3 have been met.

**Section 10-8-5—Reasonable Conditions Authorized for Approval for a Conditional Use or Conditional Sign Applications:**

The Commission and the BOCC may impose reasonable conditions with respect to location, construction, maintenance, operation, site planning, traffic control, hours of operation, and other items for the approval of a Conditional C-1 or C-2 Use Application or Conditional C-1 Sign Application deemed necessary by the Commission or BOCC to mitigate possible detrimental



effects of the proposed use or sign, to secure the purposes of this Ordinance, and to protect adjacent properties and the public interest. Reasonable conditions may include;

- 1) Size, configuration, and site plan design and layout.
- 2) Site ingress and egress locations.
- 3) The provision of adequate public facilities and amenities, including roads and streets, water, sewer, storm drainage, public safety and fire protection, and other utilities.
- 4) The location and amount of off-street parking and loading areas.
- 5) Site circulation patterns for vehicular and pedestrian traffic.
- 6) Building(s) and sign(s) size and location(s), building and sign design and features, materials, and colors.
- 7) The location and design of all site features, including the location of proposed building(s), sign(s), lighting, and waste collection.
- 8) The provision of open space, public features, and recreational amenities.
- 9) Fencing, screening, buffering, and landscape treatments and other features designed to increase the attractiveness of the site and protect adjoining property owners from adverse impacts.
- 10) Measures designed to minimize or eliminate potential nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.
- 11) Measures designed to protect the natural features of the site, including, but not limited to, rivers and creeks, lakes and reservoirs, wetlands, drainage ways, ground water protection, and slopes.
- 12) The regulation of operating hours.
- 13) Identifying a time for regular review and monitoring to ensure the use or sign continues to operate in compliance with all conditions and requirements of approval.

- 14) Such other conditions determined reasonable and necessary by the BOCC to allow the operation of the use or sign in compliance with the requirements of this Ordinance, all other Land Use Ordinances, and all Federal, State, or Local regulations, as applicable.

**Section 10-8-6—Decision for a Conditional Use Application or Conditional Sign Application:**

- 1) If the Conditional Use or Conditional Sign Application complies with all the requirements of this Ordinance, all other applicable Land Use Ordinances, and the Building Codes as adopted, the Commission or BOCC, as applicable, shall approve the Application, with or without revisions, requirements, and conditions determined necessary for compliance to all requirements.
- 2) If the Conditional Use or Conditional Sign Application does not comply with the requirements of this Ordinance, all other applicable Land Use Ordinances, and the Building Codes as adopted, the Commission or BOCC, as applicable, shall not approve the Conditional Use Application, and no building permit shall be issued.

**Section 10-8-7—Effect of Approval:**

- 1) Approval of a Conditional C-1 Use or Conditional Sign Application by the Commission shall authorize the establishment of the approved use or sign, subject to any revisions, requirements, and conditions. Only when the Conditional C-1 Use or Conditional C-1 Sign Application has been approved by the Commission, and a Building Permit issued, as required, may any building, activity, construction, or occupancy be commenced. Approval of a Conditional C-1 Use or Conditional C-1 Sign Application by the Commission shall not be deemed an approval of any other Land Use Application, permit, or license.
- 2) Approval of a Conditional C-2 Use by the BOCC shall authorize the establishment of the approved use, subject to any revisions, requirements, and conditions. Only when the Conditional C-2 Use has been approved by the BOCC, and a Building Permit issued, as required, may any building, activity, construction, or occupancy be commenced. Approval of a Conditional C-2 Use by the BOCC shall not be deemed an approval of any other Land Use Application, permit, or license.

**Section 10-8-8—Approved Conditional Use or Conditional Sign Permit to be Recorded:**

Following the approval of a Conditional C-1 Use or Conditional Sign by the Commission or a Conditional C-2 Use by the BOCC the County Planner/Zoning Administrator shall record the approved Conditional Use or Sign Permit in the Office of the Millard County Recorder. The recorded Conditional Use or Conditional Sign Permit shall act as the official permit. The

Applicant for the Conditional Use or Conditional Sign Permit shall bear the costs of recording the approved Permit.

**Section 10-8-9—Appeals:**

- 1) Any person aggrieved by a decision of the Commission for any Conditional C-1 Use Application or any Conditional Application may appeal the decision to the Appeal Authority, as identified by Chapter 14.
- 2) Any person aggrieved by a decision of the BOCC for any Conditional C-2 Use Application may appeal the decision to the Appeal Authority, as identified by Chapter 14 herein.

**TITLE 10, CHAPTER 9  
SIGN STANDARDS**

**Section 10-9-1—Purpose:**

These requirements are provided to achieve the purposes of the Millard County General Plan and to achieve the following additional purposes:

- 1) To provide for the necessary identification of activities, businesses, sites and buildings located within the County.
- 2) To provide a convenient method of public communication without clutter or obtrusiveness.
- 3) To avoid confusion of allowed signs with traffic signs and other regulatory and public safety signs.
- 4) To minimize any adverse effects of signs, and associated lighting, on adjacent properties.
- 5) To protect the natural character and amenities of the County, including protecting views and vistas.
- 6) To protect property values.

**Section 10-9-2—Property Owner Approval.**

All signs placed on private property shall be allowed only with the authorization of the property owner.

**Section 10-9-3—Exempt Signs:**

The signs identified in Table 10-9-1, Exempt Signs, are exempt from these requirements, provided such signs are not a prohibited sign, as provided by Section 10-9-4.

**Table 10-9-1  
 EXEMPT SIGNS**

<b>SIGN TYPE</b>	<b>SIGN REQUIREMENT</b>
Small On-Premise Sign	A sign not exceeding a total area of 64 square feet established at the location of the activity, business, or service connected with the message of the sign and meeting all requirements of Table 9-2, as applicable, including not being located in any Clear View area.
Directional Sign	A sign not exceeding a total area of 64 square feet established at a location different from an activity, business, or service located in Millard County, and intended to provide direction to the activity, business, or service and meeting all requirements of Table 9-2, as applicable, including not being located in any Clear View area.
On-Premise Temporary Sign	A sign not exceeding a total area of 64 square feet and allowed for a period not to exceed twelve (12) months at the location of the activity, business, or service connected with the message of the sign and meeting all requirements of Table 9-2, as applicable, including not being located in any Clear View area.
Community Events Posters and Announcements	Posters and flyers announcing community events provided such posters or flyers do not advertise products or services not associated with the community event.
Access Location Signs	Signs such as “Enter” and “Exit” provided: 1) There shall be no more than two (2) access location signs per driveway entrance to a lot or parcel. 2) No access location sign shall be greater than six (6) square feet in area and have a height greater than three (3) feet above grade.
Flags	Any flag of any nation, state, county, city, civic, or religious organization.
Historic Plaques	Plaques erected for the purposes of identifying an historic site, building, or structure.
Public Notice Signs	Signs posted by a property owner and designed to advise the public of “No Trespassing”, “No

SIGN TYPE	SIGN REQUIREMENT
	Fishing”, and/or “No Hunting” is permitted by the owner.
Official Notices	Official government notices and notices posted by government officers or employees in the performance of their duties.
Political Signs	<p>Political signs used to identify and for the support of candidates for national, state, county, city, school board, service district, or other public office provided such signs meet the following requirements:</p> <ol style="list-style-type: none"> <li>1) Are stationary and unlighted.</li> <li>2) Are not erected earlier than sixty (60) days prior to the specified voting day.</li> <li>3) Are removed within seven (7) days after the specified voting day.</li> <li>4) Is not located within any clear view area.</li> <li>5) Signs placed on private property are permitted only with the permission of the property owner.</li> </ol>
Public Necessity Signs	Signs required for safety or instructional purposes, installed, and maintained by Millard County, or other Federal or State agency.
Real Estate Signs	<p>A “Small On-Premise Sign” and meeting all requirements for such signs and advertising real property for sale, lease or rent within Millard County and meeting the following requirements:</p> <ol style="list-style-type: none"> <li>1) A maximum of one (1) real estate sign per street frontage.</li> <li>2) Is placed on the property that is for sale, lease, or rent, or adjacent thereto.</li> <li>3) Such signs are stationary.</li> <li>4) Signs must be professionally prepared, neat in appearance, and well maintained.</li> <li>5) Are removed within thirty (30) days from the date of sale, lease, or rental.</li> <li>6) Is not located within any clear view area or placed where it creates a safety hazard.</li> </ol>
Religious Symbols	Any religious symbol attached to a place of religious worship.
Residential Nameplates, Street Address or Combination	One (1) nameplate sign showing the name of the occupant of a dwelling, the address of the dwelling or the name and nature of the home occupation conducted within the dwelling. The sign shall not exceed two (2) square feet in area.

SIGN TYPE	SIGN REQUIREMENT
Restaurant Menu Boxes	Restaurant menu boxes of up to thirty (30) square feet for displaying menus.
Seasonal Decorations	Decorations or displays, when such are clearly incidental to, and are customarily or commonly associated with, any national, Local or religious celebration provided that such decorations or displays are maintained in an attractive condition and do not constitute a fire hazard.
Signs Authorized by Law	Signs required or specifically authorized for a public purpose by any law, statute, or ordinance, including traffic control signs.
Site Development and Subdivision Identification Signs	<p>A “Small On-Premise Sign” and meeting all requirements for such signs and identifying a site development or a subdivision and typically located at the entrance of such site or subdivision project and provided such signs and meeting the following requirements:</p> <ol style="list-style-type: none"> <li>1) Not more than one (1) sign for each entrance to the site or subdivision, indicating only the name, symbol, logo, or other graphic identification of the site or subdivision.</li> <li>2) Such signs are stationary and unlighted.</li> <li>3) Signs must be professionally prepared, neat in appearance, and well maintained.</li> <li>4) Are removed when the project is completed or all lots or units are sold.</li> </ol>
Site and Building Features	Pieces of art, monuments, statuary, sculpture, water features, fountains, and other similar features, not containing any corporate advertising, logo, insignia, or other symbol, and used to identify or distinguish a site or building.
Road and Street Address Numbers	Street address numbers no higher than twelve (12) inches.
Time and Date Signs	Electronic message signs that change copy electronically identifying the “time, date, and temperature” only provided no electronic message sign shall exceed forty percent (40%) of the maximum sign face area.
Vehicle Signs	Signs displayed on motor vehicles or trailers being operated in the normal course of business, such signs indicating the name of the owner or business if the primary purpose of such vehicles is

SIGN TYPE	SIGN REQUIREMENT
	not for the display of signs.
Warning Signs	Temporary or permanent signs erected by a government agency, utility companies, or construction company to warn of danger, or hazardous conditions.
Window Signs	A sign affixed or attached to a window and visible from outside of the building. All window signs shall be no larger than the window with which the sign is associated. No window sign shall project beyond the exterior surface of the window. All window sign lighting sources shall be fully shielded and no lighting source shall be exposed or visible from any road, street, or adjacent property.



**Section 10-9-4—Prohibited Signs:**

All signs allowed within the County are identified in Table 9-1, Exempt Signs or Table 9-2, Allowed Signs. All other signs are hereby declared to be prohibited signs within the County including, but not limited to, the following signs:

- 1) All Directional and Off-Premise signs larger than sixty-four (64) square feet and designed or intended to direct attention to a business, product, or service that is not provided, sold, offered, or existing on the property where the sign is located, including billboards. (For provisions relating to Billboards existing on the effective date of this Ordinance (see Section 10-9-19).
- 2) All On-Premise signs larger than sixty-four (64) square feet and established in violation of these requirements.
- 3) All signs having intermittent or flashing illumination, animated or moving parts, rotating or simulating movement by any means of fluttering, spinning or reflection devices or that emits sound.
- 4) Signs placed on private property without the approval of the property owner.
- 5) Signs on any County owned property, except for signs maintained by the County.
- 6) All banners, pennants, streamers, balloons, searchlights, strobe lights, beacons, and inflatable signs, objects, and characters.
- 7) Portable signs that can be moved from place to place and not permanently affixed to the ground or building.
- 8) All signs erected, moved, reconstructed, enlarged, or structurally altered without receiving the necessary sign approval.
- 9) All signs constituting a hazard to the public health, welfare, or safety.
- 10) All roof-mounted signs.
- 11) Any sign, statement, symbol or picture of an obscene nature.

**Section 10-9-5—General Provisions:**

- 1) No sign shall be erected, moved, reconstructed, enlarged, or structurally altered except in compliance with the requirements of this Ordinance.
- 2) This Ordinance shall apply to all signs, but does not apply to any Exempt Signs and signs located within the interior of any buildings or structures, or hand-held placards and other similar devices traditionally used for public protest and the non-commercial exercise of free speech.
- 3) No sign shall be erected, moved, reconstructed, enlarged, or structurally altered unless a valid Permit Application has been approved by the Land Use Authority, as applicable, and a valid Building Permit has been issued by the Building Official, as applicable.
- 4) No part of any sign shall be allowed within five (5) feet any road or street right-of way or utility easement and all signs must maintain necessary clearances from underground or overhead utility transmission lines.
- 5) No sign, or part thereof, shall be allowed in a manner that any portion of its surface or support(s) will interfere with the free use of fire protection appliances; including hydrants, standpipes, automatic fire sprinkler connections, and similar fire protection and suppression equipment. No sign or sign structure shall obstruct any fire lane.
- 6) No portion of any sign shall be allowed to be located in any Clear View area, and no portion of any sign shall be permitted that creates any traffic hazard.

**Section 10-9-6—Building Permit Required:**

- 1) In compliance with the County Building Code, as adopted, and as applicable, no sign shall be erected, moved, reconstructed, enlarged, or structurally altered unless a valid Building Permit Application has been approved by the Building Official, as applicable.
- 2) The requirement for a Building Permit shall apply to all new signs and existing signs that are proposed to be erected, moved, reconstructed, enlarged, or structurally altered, unless allowed as a Limited Sign.
- 3) The Building Official, or designee, shall inspect any sign for which a Building Permit has been issued and for which an inspection is required. Such inspections shall ensure that all signs are in conformance with this Ordinance and Building Code, as adopted.

**Section 10-9-7—Standards of Construction:**

All signs shall comply with this Ordinance and the Building Code, as adopted, and as applicable.

**Section 10-9-8—Required Maintenance for all Signs:**

All signs shall be structurally sound and maintained in good repair and condition.

**Section 10-9-9—Valid Business License Required:**

All businesses and services advertised on any sign located within Millard County shall maintain all necessary approvals, licenses and permits, including a valid Millard County business license, as applicable.

**Section 10-9-10—Enforcement:**

A sign determined to be a hazard to the public health or safety, or determined to be a nuisance because of inadequate maintenance, dilapidation, or be a violation of this Ordinance or Building Code shall be remedied and corrected upon notice by the County Planner/Zoning Administrator or Building Official. A sign not remedied or corrected within thirty (30) calendar days written notice by the County Planner/Zoning Administrator or Building Official shall be subject to removal by the County, or other remedies that may be available to the County under the law.

**Section 10-9-11—Type of Sign Application Required:**

The type of Land Use Application required to erect, reconstruct, enlarge, or structurally alter a sign associated with a proposed or existing use or activity shall be as identified by Table 9-2 herein.

**Section 10-9-12—Land Use Authorities for Sign Applications:**

- 1) The County Planner/Zoning Administrator is authorized as the Land Use Authority for Permitted P-1 Sign Applications.
- 2) The Commission is authorized as the Land Use Authority for Permitted P-2 Sign Applications and Conditional C-1 Sign Applications.
- 3) The Commission is authorized as the Land Use Authority for Conditional C-1 Sign Applications.

**Section 10-9-13—Minimum Requirements for Approval and Findings and Standards for Approval of Sign Applications:**

- 1) The procedures for the review of a Permitted P-1 Sign Application are as provided and identified for a Permitted P-1 Use Application.
- 2) The procedures for the review of a Permitted P-2 Sign Application are as provided and identified for a Permitted P-2 Use Application.
- 3) The procedures for the review of a Conditional Sign Application are as provided and identified for a Conditional C-1 Use Application.
- 4) The County Planner/Zoning Administrator for Permitted P-1 Sign Applications, the Commission for Permitted P-2 Sign Applications and Conditional C-1 Sign Applications shall review the Application and shall determine:
  - a) The proposed sign is a Permitted P-1 Sign, a Permitted P-2 Sign, a Conditional C-1 Sign within the Zoning District.
  - b) The proposed sign complies with all requirements of this Ordinance, including the minimum area, setbacks, height, and all other requirements as applicable.
  - c) The proposed sign complies with all Building Code requirements, as applicable.

**Section 10-9-14—Findings Required for Approval of Sign Applications:**

- 1) If a Permitted P-1 Sign Application or Permitted P-2 Sign Application complies with all the requirements of this Ordinance, the Building Codes, and all other applicable Land Use Ordinances, as adopted, the County Planner/Zoning Administrator for Permitted P-1 Sign Applications and the Commission for Permitted P-2 Sign Applications shall approve the Application, with or without revisions and requirements necessary for compliance to the requirements of this Ordinance.
- 2) If a Conditional Sign Application complies with all the requirements of this Ordinance, the Building Codes, and all other applicable Land Use Ordinances, as adopted, the Commission shall approve the Application, with or without revisions, requirements and reasonable conditions necessary for compliance to the requirements of this Ordinance.
- 3) If any Sign Application does not comply with the requirements of this Ordinance, the Building Codes, or any other applicable Land Use Ordinance, as adopted, the Land Use Authority, as applicable, shall not approve the Application, and no building permit shall be issued.

**Section 10-9-15—Effect of Approval:**

Approval of a Sign Application shall authorize the establishment of the approved sign, subject to any and all revisions, requirements and reasonable conditions determined necessary to comply with all Land Use Ordinances of the County.

**Section 10-9-16—Appeals:**

- 1) Any person aggrieved by a decision of the County Planner/Zoning Administrator for any Permitted P-1 Sign Application may appeal the decision to the Appeal Authority, as provided by Chapter 14 herein.
- 2) Any person aggrieved by a decision of the Commission for any Permitted P-2 Sign Application may appeal the decision to the Appeal Authority, as provided by Chapter 14 herein.
- 3) Any person aggrieved by a decision of the Commission for any Conditional Sign Application may appeal the decision to the Appeal Authority, as provided by Chapter 14 herein.

**Section 10-9-17—Allowed Signs:**

All signs allowed within Millard County are identified in Table 9-2.

**Section 10-9-18—Sign Lighting Requirements:**

- 1) As provided by Section 10-9-4 no sign shall have intermittent or flashing illumination, animated or moving parts, rotating or simulating movement by any means of fluttering, spinning or reflection devices or that emits sound.
- 2) In addition to the sign requirements provided in Table 10-9-2, the following sign lighting requirements are provided to achieve the purposes of this Ordinance.
- 3) Externally illuminated signs are permitted as follows:
  - a) All externally lit signs shall be illuminated with steady, fully shielded light sources aimed directly onto the sign.
  - b) No fixture used to illuminate signs shall be directed toward any adjacent properties.
  - c) All light sources shall be fully shielded or hooded.

- 4) Internally illuminated signs are permitted as follows:
  - a) Individual backlit letters that are silhouetted against an illuminated wall.
  - b) Individual letters with translucent faces, containing lighting elements inside each letter.
  - c) Metal-faced box signs with cutout letters and soft-glow fluorescent tubes.
- 5) Changeable Copy Signs and Electronic Message Centers may be installed as a part of an allowed sign but shall not exceed forty percent (40%) of the total Sign Face Area.

**Section 10-9-19—Billboards:**

Decisions and actions related to a billboard, legally established and existing in the unincorporated area of the County on <insert the effective date of the amended Sign Ordinance> shall comply with the applicable requirements of the Act, as amended.

**Section 10-9-20—Noncomplying Signs:**

All signs allowed within the County shall comply with this Ordinance and Table 10-9-1 or Table 10-9-2, unless such signs are determined to be a legal noncomplying structure.

**Section 10-9-21—Unused and Abandoned Signs:**

A sign shall be considered unused or abandoned and shall be removed after the use, activity, product, business, or service, which it advertised, has ceased or has vacated the building, structure, lot or parcel for a period not less than one (1) calendar year. All unused or abandoned signs shall be removed by the property owner, upon written notice by the County Planner/Zoning Administrator and shall be subject to removal by the County, if not removed by the property owner within thirty (30) calendar days of notice by the County Planner/Zoning Administrator or other remedies that may be available to the County.

**Table 10-9-2  
ALLOWED SIGNS**

SIGN REQUIREMENT	SIGN TYPES						
	SIGNS REQUIRING APPROVAL				EXEMPT SIGNS		
	ON PREMISE FREE STANDING - PYLON	ON PREMISE FREE STANDING - MONUMENT	ON PREMISE WALL	ON PREMISE CANOPY	SMALL ON - PREMISE SIGN	FREE STANDING - DIRECTIONAL	TEMPORARY
<b>Definition</b>	A sign attached to the ground or a foundation with a pole, or poles, and only permitted at the location of the activity, business, or service connected with the message of the sign.	A sign constructed and attached directly to the ground by a foundation and only permitted at the location of the activity, business, or service connected with the message of the sign and only permitted at the location of the activity, business, or service connected with the message of the sign.	A sign displayed or attached against the wall of a building, where the exposed face of the sign is parallel to the wall and extends not more than twelve (12) inches horizontally from the face of the wall and only permitted at	A sign attached to, or included in the constructed of a canopy, which may be located over a fuel island or drive through and only permitted at the location of the activity, business, or service connected with the message of the sign.	A sign permitted only at the location of the activity, business, or service connected with the message of the sign.	A sign provided at a separate and different location from an activity, business, or service located in the County, and intended to provide direction to the activity, business, or service.	A sign allowed for a limited period, not to exceed twelve (12) months and only permitted at the location of the activity, business, or service connected with the message of the sign.

SIGN REQUIREMENT	SIGN TYPES						
	SIGNS REQUIRING APPROVAL				EXEMPT SIGNS		
	ON PREMISE FREE STANDING - PYLON	ON PREMISE FREE STANDING - MONUMENT	ON PREMISE WALL	ON PREMISE CANOPY	SMALL ON - PREMISE SIGN	FREE STANDING - DIRECTIONAL	TEMPORARY
			the location of the activity, business, or service connected with the message of the sign.				
<b>Maximum Sign Area</b>	As provided by Table 10-9-3.	As provided by Table 10-9-4.	As provided by Table 10-9-5.	Forty percent (40%) of the total area of the canopy.	64 Square Feet.	64 Square Feet.	64 Square Feet.
<b>Zoning Districts Allowed</b>	Conditional Sign in the Highway Commercial District (HC), Light Industrial District (LI) and Heavy Industrial District (HI).	Conditional Sign in the Highway Commercial District (HC), Light Industrial District (LI) and Heavy Industrial District (HI).	Permitted P-2 Sign in the Highway Commercial District (HC), Light Industrial District (LI) and Heavy Industrial District (HI).	Permitted P-1 Sign in the Highway Commercial District (HC), Light Industrial District (LI) and Heavy Industrial District (HI).	Allowed in all Zones without Land Use Authority approval provided all standards and requirements are met.	Allowed in all Zones without Land Use Authority approval provided all standards and requirements are met.	Allowed in all Zones without Land Use Authority approval provided all standards and requirements are met.



SIGN REQUIREMENT	SIGN TYPES						
	SIGNS REQUIRING APPROVAL				EXEMPT SIGNS		
	ON PREMISE FREE STANDING - PYLON	ON PREMISE FREE STANDING - MONUMENT	ON PREMISE WALL	ON PREMISE CANOPY	SMALL ON - PREMISE SIGN	FREE STANDING - DIRECTIONAL	TEMPORARY
<b>Land Use Authority</b>	Reviewed and approved or denied by the Commission.	Reviewed and approved or denied by the Commission.	Reviewed and approved or denied by the Commission.	Reviewed and approved or denied by the County Planner/Zoning Administrator.			
<b>Number of Signs Allowed</b>	One (1) free standing - pylon sign for each lot or parcel that includes any Exempt Sign.	One (1) free standing - monument sign for each lot or parcel that includes any Exempt Sign.	One (1) wall sign for each building wall that faces directly toward a public road or street with a maximum of two (2) wall signs for each building or structure, which includes any Exempt Sign.	One (1) canopy sign for each canopy side that faces directly toward a public road or street with a maximum of two (2) canopy signs for each canopy, which includes any Exempt Sign. No canopy sign shall be permitted that	One (1) small on premise sign for each lot or parcel.	One (1) free standing - directional sign for each lot or parcel.	One (1) temporary sign for each lot or parcel.

SIGN REQUIREMENT	SIGN TYPES						
	SIGNS REQUIRING APPROVAL				EXEMPT SIGNS		
	ON PREMISE FREE STANDING - PYLON	ON PREMISE FREE STANDING - MONUMENT	ON PREMISE WALL	ON PREMISE CANOPY	SMALL ON - PREMISE SIGN	FREE STANDING - DIRECTIONAL	TEMPORARY
			No wall sign shall be permitted on any building façade that does not face directly toward a public road or street.	does not face directly toward a public road or street.			
<b>Sign Location</b>	As approved by the Commission. No part within five (5) feet of any road or street right-of way, property line, or utility easement and must maintain necessary clearances from	As approved by the Commission. No part within five (5) feet of any road or street right-of way, property line, or utility easement and must maintain necessary clearances from	As approved by the Planning Commission. No wall sign shall project above the wall surface.	As approved by the County Planner/Zoning Administrator. All canopy signs shall be attached or painted flat against the canopy.	No part within five (5) feet of any road or street right-of way, property line, or utility easement and must maintain necessary clearances from underground or overhead power	No part within five (5) feet of any road or street right-of way, property line, or utility easement and must maintain necessary clearances from underground or overhead power transmission lines, as required by the electrical power provider. Must	No part within five (5) feet of any road or street right-of way, property line, or utility easement and must maintain necessary clearances from underground or overhead power transmission

SIGN REQUIREMENT	SIGN TYPES						
	SIGNS REQUIRING APPROVAL				EXEMPT SIGNS		
	ON PREMISE FREE STANDING - PYLON	ON PREMISE FREE STANDING - MONUMENT	ON PREMISE WALL	ON PREMISE CANOPY	SMALL ON - PREMISE SIGN	FREE STANDING - DIRECTIONAL	TEMPORARY
	underground or overhead power transmission lines, as required by the electrical power provider. Must maintain Clear View	underground or overhead power transmission lines, as required by the electrical power provider. Must maintain Clear View requirements.			transmission lines, as required by the electrical power provider. Must maintain Clear View requirements.	maintain Clear View requirements.	lines, as required by the electrical power provider. Must maintain Clear View requirements.
<b>Maximum Sign Area</b>	As provided by Table 10-9-3.	As provided by Table 10-9-4.	As provided by Table 10-9-5.	Forty percent (40%) of the total area of the canopy.	64 Square Feet	64 Square Feet.	64 Square Feet.
<b>Maximum Height</b>	Twenty-five (25) feet above natural or finished grade, whichever is higher.	Eight (8) feet above natural or finished grade, whichever is higher.	No higher than the eave line or top of the parapet wall of the building or structure.	No higher than the canopy.	15 Feet above natural or finished grade, whichever is higher.	15 Feet above natural or finished grade, whichever is higher.	15 Feet above natural or finished grade, whichever is higher.
<b>Lighting Requirements</b>	See Section 10-9-18.						

SIGN REQUIREMENT	SIGN TYPES						
	SIGNS REQUIRING APPROVAL				EXEMPT SIGNS		
	ON PREMISE FREE STANDING – PYLON	ON PREMISE FREE STANDING – MONUMENT	ON PREMISE WALL	ON PREMISE CANOPY	SMALL ON – PREMISE SIGN	FREE STANDING – DIRECTIONAL	TEMPORARY
<b>Clear View Area</b>	No sign shall be permitted to be located in any clear view area and no sign shall be permitted that creates any traffic or pedestrian hazard.						
<b>Fire Suppression Access</b>	No sign or sign structure shall be permitted in a manner that any portion of its surface or supports will interfere with free use of all fire appliances; including hydrants, standpipes, automatic fire sprinkler connections, and similar fire protection and suppression equipment. No sign or sign structure shall obstruct any fire lane.						
<b>Building Permit Required</b>	A valid Building Permit approval may be necessary, as required by the adopted Building Code. All signs for which a Building Permit is required, including necessary footings, structural permits, or electrical permits, shall comply with the requirements of the Building Code, as adopted, and shall be subject to inspection.						
<b>Sign Validity</b>	A sign is authorized and valid only for the approved location.						
<b>Valid Business License Required</b>	All businesses and services advertised shall maintain necessary licenses and permits, as may be required by State of Utah and the County's business licensing requirements, as applicable.						
<b>Sign Maintenance</b>	All signs shall be structurally sound and maintained in good repair.						
<b>Enforcement</b>	Any sign determined to be a hazard to the public health, welfare, or safety, or determined to be a nuisance because of inadequate maintenance, dilapidation, or Building Code violation shall be remedied upon notice by the County Planner/Zoning Administrator or Building Official. Any sign not remedied within thirty (30) days' notice by the County Planner/Zoning Administrator or Building Official, shall be subject to removal by the County, or other remedies that may be available to the County.						

Notes:

Maximum Sign Height. The height from the highest point of the structure to the lowest point of the finished or natural grade, immediately adjacent to the structure. No ground shall be bermed, or other earthwork provided, that would have the effect to exceed the maximum allowed sign structure height.

Maximum Sign Area, The area of the sign calculated by multiplying the highest point of the sign by the longest length of the sign and including all text, insignia, logo, or other advertising or identification materials.

**Table 10-9-3**  
**MAXIMUM ALLOWED SIZE OF FREE STANDING – PYLON SIGNS**

<b>LOT FRONTAGE (FEET)</b>	<b>MAXIMUM PYLON SIGN AREA (SQUARE FEET)</b>
< 140	80
140 – 179	90
180 – 199	100
200 – 219	110
220 – 239	120
240 – 259	140
260 and Greater	140

**Table 10-9-4**  
**MAXIMUM ALLOWED SIZE OF FREE STANDING – MONUMENT SIGNS**

<b>LOT FRONTAGE (FEET)</b>	<b>MAXIMUM MONUMENT SIGN AREA (SQUARE FEET)</b>
< 140	80
140 – 179	90
180 – 199	100
200 – 219	110
220 – 239	120
240 – 259	130
260 and Greater	140

**Table 10-9-5**  
**MAXIMUM ALLOWED SIZE OF WALL SIGNS**

<b>WALL AREA (SQUARE FEET)</b>	<b>MAXIMUM WALL SIGN AREA (SQUARE FEET)</b>
< 140	80
140 – 179	90
180 – 199	100
200 – 219	110
220 – 239	120
240 – 259	130
260 and Greater	140

**TITLE 10, CHAPTER 10  
RESERVED**

## **TITLE 10, CHAPTER 11 VARIANCE APPLICATIONS**

### **Section 10-11-1—Purpose:**

This Chapter and the Administrative Manual provides the standards and procedures for the review of all Variance Applications and required to determine compliance with this Ordinance.

### **Section 10-11-2—Land Use Hearing Officer is the Appeals Authority for Variance Applications:**

The LUHO is authorized as the Appeals Authority responsible to review and approve, approve with revisions, or deny all Variance Applications.

### **Section 10-11-3— Procedures and Review Standards for Variance Applications**

- 1) The procedures for the review of a Variance Application are identified by Chapter 11, Administrative Manual.
- 2) The LUHO shall review the Application and shall determine:
  - a) Literal enforcement of the provisions of this Ordinance would cause an unreasonable hardship for the Applicant with the Applicant providing sufficient evidence demonstrating that the hardship is located on, or associated with the subject property, for which the variance is sought, and is peculiar to the property rather than conditions generally existing on other properties located in the same Zoning District or immediate area.
  - b) The identified hardship is not self-imposed.
  - c) The identified hardship is not economic in nature.
  - d) There exist special circumstances peculiar to the property that do not apply to other properties in the same Zoning District. The LUHO may find an unreasonable hardship exists only if the alleged hardship is located on, or associated with, the property for which the Variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the immediate area.
  - e) The Variance is essential to the enjoyment of a substantial property right possessed by other property in the same Zoning District. The LUHO may find that special circumstances are attached to the property exist only if the special circumstances relate to



the hardship complained of and deprive the property of privileges granted to other properties in the same Zoning District.

- f) The approval of the Variance Application will not be contrary to the public interest.
- g) The approval of the Variance Application will not have the effect of nullifying in any way the intent and purpose of this Ordinance, or the County's other Land Use Ordinances.

**Section 10-11-4—Findings Required for Approval of Variance Applications:**

In deciding a Variance Application the LUHO shall find that all the procedural requirements and review standards of Section 10-11-3 have been met.

**Section 10-11-5—Decision for a Variance Application:**

- 1) If the Variance Application complies with all the requirements of Section 10-11-3 the LUHO may approve the Application, with or without revisions and requirements determined necessary for compliance to the requirements of this Ordinance.
- 2) If the Variance Application does not comply with all the requirements of Section 10-11-3 the LUHO shall not approve the Application.

**Section 10-11-6—Variance Requirements:**

In approving a Variance Application, the LUHO may require such revisions and requirements that in the judgment of the LUHO are necessary to mitigate any negative effects of approving the Variance Application and to secure the purposes of this Ordinance.

**Section 10-11-7—Use Variance Prohibited:**

The LUHO may not authorize the establishment of a use in the Zoning District that is not identified in Appendix A, Table of Uses.

**Section 10-11-8—Effect of Approval:**

The approval of a Variance Application shall not authorize the establishment or extension of any use, or the development, construction, reconstruction, alteration or moving of any building or structure, but is a prerequisite to the preparation, filing, review, and determination of any Land Use Application approval that may be required by this Ordinance.

**Section 10-11-9—Appeals:**

Any person aggrieved by a decision of the LUHO for any Variance Application may appeal the decision to the Appeal Authority, as identified by Chapter 14 herein.

**TITLE 10, CHAPTER 12**

**NONCONFORMING USES, NONCOMPLYING STRUCTURES, AND OTHER  
NONCONFORMITIES**

**Section 10-12-1 – Purpose:**

This Chapter and the Administrative Guidelines provides standards and procedures for determining the existence, expansion, or modification of a legal nonconforming use, a legal noncomplying structure, or other legal nonconformity, including noncomplying lots and signs.

**Section 10-12-2—Land Use Hearing Officer is the Land Use Authority for Determinations of Legal Nonconforming Use, Legal Noncomplying Structure, or other Legal Nonconformity Applications:**

The LUHO is authorized as the Land Use Authority with the responsibility to determine the existence of any legal nonconforming use, a legal noncomplying structure, or other legal nonconformity.

**Section 10-12-3— Procedures and Review Standards for Determinations of Legal Nonconforming Use, Legal Noncomplying Structure, or other Legal Nonconformity Applications:**

- 1) The procedures for the review of a Determinations of Legal Nonconforming Use, Legal Noncomplying Structure, or other Legal Nonconformity Application are identified by Chapter 12, Administrative Manual.
- 2) The LUHO shall review the Application and shall determine, from the evidence presented by the Applicant, who shall have the burden of proof of establishing the existence of a legal nonconforming use, legal noncomplying structure, lot, sign, or other legal nonconformity, as provided by the Act, If the LUHO finds that sufficient evidence is presented to clearly establish that the use, structure, lot, sign, or other nonconformity legally existed on the date of adoption of this Ordinance, and complied with all prior enactments of this Ordinance, the County's other Land Use Ordinances, including the Subdivision Ordinance, the LUHO shall approve the Determination of Legal Nonconforming Use, Noncomplying Structure, or other Nonconformity Application.

**Section 10-12-4—Findings Required for Approval of Determination of Legal Nonconforming Use, Noncomplying Structure, or other Nonconformity Application:**

In deciding a of Determination of Legal Nonconforming Use, Noncomplying Structure, or other Nonconformity Application the LUHO shall find that all the procedural requirements and review standards of this Chapter have been met;

- 1) Documentation and other materials have been presented, and provided from a credible source(s), to clearly establish that the use, structure, lot, sign, or other nonconformity legally existed prior to the date of adoption and effective date of the County's first Land Use Ordinances, including the Zoning Ordinance and Subdivision Ordinance?
- 2) Documentation and other materials have been presented, and provided from a credible source(s), to clearly establish that the use, structure, lot, sign, or other nonconformity legally existed on the date of adoption of this Ordinance, and complied with all prior enactments of this Ordinance, or the County's other Land Use Ordinances, including the Zoning Ordinance and Subdivision Ordinance?

**Section 10-12-5—Decision for a Determination of a Legal Nonconforming Use, Noncomplying Structure, or other Nonconformity Application:**

- 1) If it is determined that the Nonconforming Use, Noncomplying Structure, or other Nonconformity Application complies with all the requirements of this Chapter the LUHO shall approve the Application.
- 2) If it is determined that the Nonconforming Use, Noncomplying Structure, or other Nonconformity Application does not comply with all the requirements of this Chapter the LUHO shall deny the Application.

**Section 10-12-6—Effect of Approval:**

- 1) A finding by the LUHO of a legal nonconforming use, noncomplying structure, lot, sign, or other nonconformity shall not authorize the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of any nonconforming use, noncomplying structure, lot, sign, or other nonconformity.
- 2) A finding by the LUHO of a legal nonconforming use, noncomplying structure, lot, sign, or other nonconformity shall not be deemed an approval of any Application, permit, or license.
- 3) A finding by the LUHO of a legal nonconforming use, noncomplying structure, lot, sign, or other nonconformity shall allow the filing of a Land Use Application for any necessary approval, permit, or license, as may be required by the County's Land Use Ordinances, including this Ordinance.

### **Section 10-12-7—Requirements for Nonconforming Uses:**

Following a determination by the LUHO of the existence of a legal nonconforming use, the use shall comply with the following requirements:

- 1) The present or future property owner may continue a nonconforming use.
- 2) As allowed by the Act, a legal nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purposes of the extension. For the purposes of this subsection, the addition of a solar energy device to a building is not a structural alteration.
- 3) Necessary maintenance and repairs may be made to a structure housing a legal nonconforming use by following the procedures for a Land Use Application approval, permit, or license, including the issuance of a Building Permit, for such maintenance and repairs.
- 4) The County may require the termination of a legal nonconforming use by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of investment in the nonconforming use.
- 5) The County may not terminate a nonconforming use of a structure that is involuntarily destroyed, in whole or in part, due to fire or other calamity unless the use has been abandoned.
- 6) A nonconforming use of a structure shall terminate if:
  - a) The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the property owner, by the County Planner/Zoning Administrator or Building Official, that the structure is uninhabitable and that the nonconforming use will be lost if the structure is not repaired or restored within six (6) months.
  - b) The property owner has voluntarily demolished a majority of the building that houses the nonconforming use.
- 7) Change in Use. A nonconforming use may only be changed to a use allowed in Appendix **xx**, Table of Uses, for the Zoning District in which the property is located by following the Land Use Application approval procedures for such new use, as required by this Ordinance.

**Section 10-12-8—Requirements for Noncomplying Structures:**

Following a determination by the LUHO of the existence of a legal noncomplying structure, the structure shall comply with the following requirements:

- 1) The present or future property owner may continue a noncomplying structure.
- 2) The County may not prohibit the reconstruction or restoration of a noncomplying structure that is involuntarily destroyed, in whole or in part, due to fire or other calamity unless the structure has been abandoned.
- 3) Necessary maintenance and repairs may be made to a legal noncomplying structure by following the procedures for a Land Use Application approval, permit, or license, including the issuance of a Building Permit, for such maintenance and repairs.
- 4) A noncomplying structure shall terminate if:
  - a) The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the property owner, by the County Planner/Zoning Administrator or Building Official, that the structure is uninhabitable and that the noncomplying structure will be lost if the structure is not repaired or restored within six (6) months.
  - b) The property owner has voluntarily demolished a majority of the noncomplying structure.

**Section 10-12-9—Termination of a Nonconforming Use due to Abandonment:**

- 1) Any party claiming a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
- 2) Abandonment may be presumed to have occurred if:
  - a) A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the County regarding an extension of the nonconforming use.
  - b) The use has been discontinued for a minimum period of one (1) year; or
  - c) The primary building associated with the nonconforming use remains vacant for a minimum period of one (1) year.

- 3) The property owner may rebut the presumption of abandonment under this Section and shall have the burden of establishing that any claimed abandonment under this Section has not in fact occurred. The LUHO shall have authority to review and decide all disputes relating to abandonment of structures associated with a nonconforming use or noncomplying structures.
- 4) The County may terminate the nonconforming use status of a school district or charter school when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a minimum period of one (1) year.

**Section 10-12-10—Noncomplying Lots:**

- 1) A lot of record, or any parcel of record, legally existing on the effective date of this Ordinance and Subdivision Ordinance shall:
  - a) Be eligible for a Building Permit authorizing the construction of one (1) single family dwelling, even though such lot or parcel may not conform to the requirements of the Zoning District in which it is located, provided:
    - i) That such lot or parcel of land is located in a Zoning District that allows single family dwellings, and
    - ii) The proposed construction can qualify for the issuance of a Building Permit, as required by the building codes, as adopted.

**Section 10-12-11—Noncomplying Signs:**

This Section shall apply to signs that were legal on the date of adoption of this Ordinance, or its prior enactments, but which may now be determined to be a legal noncomplying structure.

- 1) A noncomplying sign shall not be enlarged.
- 2) A noncomplying sign shall not be moved or replaced, except to bring the sign into compliance with this Ordinance and the County's other Land Use Ordinances.
- 3) The text message of a noncomplying sign may be changed if such changes do not create any new nonconformities or other noncompliance.
- 4) A noncomplying sign shall be considered abandoned if it advertises a business, service, commodity, or other activity that has been discontinued for a minimum period of one (1) year.

**Section 10-12-12—Appeal:**

Any person aggrieved by a decision of the LUHO for any Determination of Legal Nonconforming Use, Noncomplying Structure, or other Nonconformity Application may appeal the decision to the Appeal Authority, as identified by Chapter 14 herein.



## TITLE 10, CHAPTER 13 NOTICE REQUIREMENTS

### **Section 10-13-1—Purpose:**

As provided by the Act, the County is required to provide notice of all public hearings and public meetings. The notice requirements for public hearings and public meetings required by the County's Land Use Ordinances, including this Ordinance, and the Act, are provided by this Chapter.

### **Section 10-13-2—Required Notice of Public Hearings and Public Meetings to consider General Plan Adoption and General Plan Amendment Applications:**

- 1) **Public Hearings.** The County Planner/Zoning Administrator for public hearings by the Commission and the County Clerk for public hearings by the BOCC to consider a General Plan Adoption or General Plan Amendment Application shall provide notice as follows:
  - a) Notice of date, time, and place of the public hearing at least ten (10) calendar days before the public hearing which notice shall be:
    - i) Published in a newspaper of general circulation in the County;
    - ii) Mailed to each "affected entity," as defined the Act.
    - iii) Posted in at least three (3) public locations within the County; or on the County's official website.
  - b) Notice of the date, time, and place of the public hearing shall be mailed at least ten (10) calendar days before the public hearing to each Applicant for a General Plan Amendment Application, as required by this Ordinance and the Act.
- 2) **Public Meetings.** The County Planner/Zoning Administrator for public meetings by the Commission and the County Clerk for public hearings by the BOCC to consider a General Plan Adoption or General Plan Amendment Application shall provide notice as follows:
  - a) Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:
    - i) Submitted to a newspaper of general circulation in the County

- ii) Posted in at least three (3) public locations within the County; or on the County's official website.
- b) Notice of the date, time, and place of each public meeting shall be provided at least twenty four (24) hours before the public meeting to each Applicant for a General Plan Amendment Application, as required by this Ordinance and the Act.

**Section 10-13-3—Required Notice of Public Hearings and Public Meetings to consider a Land Use Ordinance, Land Use Ordinance Amendment Applications, Official Map, and Official Map Amendment Application:**

- 1) **Public Hearings.** The County Planner/Zoning Administrator for public hearings by the Commission and the County Clerk for public hearings by the BOCC to consider a Land Use Ordinance, Land Use Ordinance Amendment Application, Official Map, or Official Map Amendment Application shall provide notice as follows:
  - a) Notice of the date, time, and place of the public hearing at least ten (10) calendar days before the hearing which notice shall be:
    - i) Published in a newspaper of general circulation in the County.
    - ii) Mailed to each "affected entity" as defined by this Ordinance and the Act.
    - iii) Posted in at least three (3) public locations within the County; or on the County's official website.
  - b) Notice of the date, time, and place of each public hearing shall be mailed at least ten (10) calendar days before the public hearing to each Applicant for a Land Use Ordinance Amendment Application or Official Map Amendment Application, as required by this Ordinance and the Act.
- 2) **Public Meetings.** The County Planner/Zoning Administrator for public meetings by the Commission and the County Clerk for public hearings by the BOCC to consider a Land Use Ordinance, Land Use Ordinance Amendment Application, Official Map, or Official Map Amendment Application shall provide notice as follows:
  - a) Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:

- i) Posted in at least three (3) public locations within the County, or on the County's official website.
- b) Notice of the date, time, and place of each public meeting shall be provided at least twenty-four (24) hours before the public meeting to each Applicant for a Land Use Ordinance Amendment Application or Official Map Amendment Application, as required by this Ordinance and the Act.

**Section 10-13-4—Required Notice for other Public Hearings:**

When required by the provisions of this Ordinance, the County Planner/Zoning Administrator and/or the County Clerk shall provide notice of the public hearing as follows:

- 1) Notice of the date, time, and place of each public hearing shall be at least ten (10) calendar days before the public hearing, which shall be:
  - a) Published in a newspaper of general circulation in the County.
  - b) Mailed to each "affected entity" as defined by this Ordinance and the Act.
  - c) Posted in at least three (3) public locations within the County; or on the County's official website.
- 2) Notice of the date, time, and place of each public hearing shall be mailed at least ten (10) calendar days before the public hearing to each Applicant, as required by this Ordinance and the Act.

**Section 10-13-5—Courtesy Notice for Public Hearings:**

For public hearings required by this Ordinance, the County Planner/Zoning Administrator and/or the County Clerk may provide actual notice provided by regular United States mail and postmarked at least ten (10) calendar days prior to the public hearing to all owners of property located within three hundred (300) feet of the property that is the subject of the public hearing.

**Section 10-13-6—Required Notice for other Public Meetings:**

When required by the provisions of this Ordinance, the County Planner/Zoning Administrator and/or the County Clerk shall provide notice of the public meeting as follows:

- 1) Notice of the date, time, and place of each public meeting shall be at least twenty-four (24) hours before the public meeting, which shall be:
  - a) Posted in at least three (3) public locations within the County; or on the County's official website.
- 2) Notice of the date, time, and place of each public meeting shall be provided at least twenty-four (24) hours before the public meeting to each Applicant, as required by this Ordinance and the Act.

**Section 10-13-7—Required Applicant Notice – Waiver of Requirements:**

For each Land Use Application, the County Planner/Zoning Administrator and/or the County Clerk shall:

- 1) Notify the Applicant of the date, time, and place of each public hearing and public meeting to consider the Land Use Application.
- 2) Notify the Applicant of any decision on the Application by a Land Use Authority.
- 3) Provide to each Applicant a copy of each Staff Report regarding the Land Use Application at least three (3) business days before the public hearing or public meeting.
- 4) If the County fails to comply fully with the requirements of this Section, an Applicant may waive the failure so that the Land Use Application may stay on the public hearing or public meeting agenda and be considered as if the requirements of this Chapter had been met.

**Section 10-13-8—Notice Challenge:**

Except for the Courtesy Notice, which is not subject to challenge, if notice given under authority of this Chapter is not challenged, as provided by the Act, within thirty (30) calendar days after the meeting or action for which notice is given, the notice is considered adequate and proper.

## **TITLE 10, CHAPTER 14 APPEAL AUTHORITIES AND PROCEDURES**

### **Section 10-14-1—Purpose:**

Any person, including the Applicant for any Land Use Application approval, license, or permit required by this Ordinance and any decision-making body or officer of the County, adversely affected by a decision of a Land Use Authority administering or interpreting this Ordinance may appeal the decision to the Appeal Authority, as identified by this Chapter.

### **Section 10-14-2—Appeal Authorities:**

To provide for appeals of decisions of Land Use Authorities and to comply with the Act, the following Appeal Authorities, with their appeal responsibilities are identified.

### **Section 10-14-3—District Court:**

- 1) Any person aggrieved by a final decision of the BOCC may file a petition with District Court.
- 2) Any person aggrieved by a final decision of the LUHO may file a petition with District Court.

### **Section 10-14-4—Board of County Commissioners:**

Any person aggrieved by a final decision of the Commission may file an Appeal Application with the BOCC.

### **Section 10-14-5—LUHO:**

Any person aggrieved by a final decision of the County Planner/Zoning Administrator, as required by this Ordinance, may file an Appeal Application with the LUHO.

### **Section 10-14-6—Maximum Time Allowed to File Appeal:**

A person, including the Applicant for any Land Use Application required by this Ordinance and any decision-making body or officer of the County, adversely affected by a decision of a Land Use Authority administering or interpreting this Ordinance may, within ten (10) calendar days of the date of the decision, appeal the decision to the Appeal Authority identified by this Chapter, except an appeal of a final decision by the BOCC shall be filed within thirty (30) calendar days with the District Court, as provided by Section 10-14-15.

**Section 10-14-7—Requirements for an Appeal of a Land Use Authority Decision:**

An appeal of a Land Use Authority's decision shall identify the alleged error in any order, requirement, decision, or determination made by the Land Use Authority.

**Section 10-14-8—Condition Precedent to Judicial Review – Appeal Authority Duties:**

- 1) As a condition precedent to judicial review, each adversely affected person shall timely and specifically challenge a Land Use Authority's decision, in accordance with the requirements of this Chapter.
- 2) An Appeal Authority shall:
  - a) Act in a quasi-judicial manner; and
  - b) Serve as the final arbiter of issues involving the interpretation or Application of Land Use Ordinances; and
  - c) May not entertain an appeal of a matter in which the Appeal Authority, or any participating member, had first acted as the Land Use Authority.
- 3) An Appeal Authority shall require an adversely affected party to present every theory of relief that it can raise in District Court.
- 4) An Appeal Authority shall not require an adversely affected party to pursue duplicate or successive appeals before it or another Appeal Authority as a condition of the adversely affected party's duty to exhaust administrative remedies.

**Section 10-14-9—Application Required:**

An appeal of any order, requirement, decision, or determination of a Land Use Authority shall be made by filing an Appeal Application, complying with the requirements as provided by the Administrative Manual.

**Section 10-14-10—Meetings, Records, and Action of an Appeal Authority:**

Each Appeal Authority shall:

- 1) Notify each of its members of any meeting or hearing;

- 2) Provide each of its members with the same information and access to County resources as any other member;
- 3) Convene only if a quorum of its members is present; and
- 4) Act only upon the vote of a majority of its convened members.
- 5) The County Planner/Zoning Administrator, County Clerk and County Attorney shall transmit to the Appeal Authority all materials constituting the full record of the decision of the Land Use Authority.
- 6) Following a written decision by the Appeal Authority, the County Planner/Zoning Administrator and/or the County Clerk shall provide the Applicant with a copy of the written decision.
- 7) A record of the decisions of the Appeal Authority shall be maintained in the office of the County Clerk, which shall constitute the record of the appeal.

**Section 10-14-11—Due Process.**

- 1) An Appeal Authority shall conduct each appeal as provided.
- 2) An Appeal Authority shall respect the due process rights of each of the participants.

**Section 10-14-12—Burden of Proof.**

Any person presenting an Appeal Application alleging an error of a Land Use Authority's order, requirement, decision, or determination has the burden of proof that the Land Use Authority erred.

**Section 10-14-13—Standard of Review for Appeals.**

- 1) Each Appeal Authority shall hear and review all Appeal Applications "on the record," including the review of all factual matters. Each Appeal Authority shall only consider the materials presented and originally before the Land Use Authority in making the decision that is the subject of the appeal.
- 2) The Appeal Authority shall determine the correctness of the order, requirement, decision, or determination of the Land Use Authority.

- 3) Only those decisions where a Land Use Authority has applied the requirements of this Ordinance to a particular Application, person, lot, or parcel may be appealed to an Appeal Authority.
- 4) An Appeal Application shall not be used to waive, modify, or amend any requirement, provision, or term of this Ordinance.

**Section 10-14-14—Final Decision.**

A decision of each Appeal Authority shall take effect on the date when the Appeal Authority, as applicable, issues a written decision, which shall constitute a final decision by the County in the matter.

**Section 10-14-15—District Court Review:**

**1) Required Time for Filing.**

- a) No person may challenge in District Court a decision of a Land Use Authority until that person has exhausted all administrative remedies as provided by this Chapter and received a final decision from an Appeal Authority.
- b) Any person adversely affected by a final order, requirement, decision, or determination made in the exercise of or in violation of the provisions of this Ordinance may file a petition for review of the order, requirement, decision, or determination with the District Court within thirty (30) calendar days after the Appeal Authority's decision is final.

**2) Tolling of Time.**

- a) The required time for filing for District Court review shall be tolled from the date the person files a request for arbitration of a constitutional taking issue with the property rights ombudsman, as provided by §63-34-13 U.C.A., until thirty (30) days after:
  - i) The arbitrator issues a final award; or
  - ii) The property rights ombudsman issues a written statement under §63-34-13(4)(b) U.C.A., declining to arbitrate or to appoint an arbitrator.



- b) A tolling under this Section operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.
- c) A request for arbitration filed with the property rights ombudsman after the time under Section 10-14-15(2)(a) to file a petition has expired does not affect the time to file a petition.

**3) Standards Governing Court Review.**

- a) The Court shall:
  - i) Presume that a final decision made under the authority of the Act is valid; and
  - ii) Determine only whether or not the final decision is arbitrary, capricious, or illegal.
- b) A decision, ordinance, or regulation involving the exercise of legislative discretion is valid if the decision, ordinance, or regulation is reasonably debatable and not illegal.
- c) A decision of a Land Use Authority or an Appeal Authority involving the exercise of administrative discretion is valid if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.
- d) A determination of illegality requires a determination that the decision, ordinance, or regulation violates a law, statute, or ordinance in effect at the time the decision was made or the ordinance or regulation adopted.
- e) The time requirements for the filing of a petition with District Court, as provided by this Section apply from the date on which the Land Use Authority takes final action on a Land Use Application for any adversely affected third party, if the Land Use Authority conformed with the notice provisions of this Ordinance, as applicable, or for any person who had actual notice of the pending decision.
- f) If the County has complied with the notice requirements, as provided by this Ordinance, a challenge to the enactment of this Ordinance or the enactment of the Millard County General Plan may not be filed with the District Court more than thirty (30) calendar days after the enactment.
- g) A petition is barred unless it is filed within thirty (30) calendar days after the Appeal Authority's decision is final.

**4) Record on Review.**

- a) The Land Use Authority or Appeal Authority, as the case may be, shall transmit to District Court the record of its proceedings, including all minutes, findings, orders, and, if available, a true and correct transcript of its proceedings.
- b) If the proceeding was tape-recorded, a transcript of that tape recording is a true and correct transcript for purposes of this Section.
- c) If there is a record, the District Court's review is limited to the record provided by the Land Use Authority or Appeal Authority, as the case may be.
- d) The District Court may not accept or consider any evidence outside the record of the Land Use Authority or Appeal Authority, as the case may be, unless that evidence was offered to the Land Use Authority or Appeal Authority, respectively, and the court determines that it was improperly excluded.
- e) If there is no record, the Court may call witnesses and take evidence.
- f) The filing of an Appeal does not stay the decision of the Land Use Authority or Appeal Authority, as the case may be.

**5) Staying of Decision.**

- a) Before filing a petition under this Section, or a request for mediation or arbitration of a constitutional taking issue under §63-34-13 U.C.A., the aggrieved party may petition the Appeal Authority to stay its decision.
- b) Upon receipt of a petition to stay, the Appeal Authority may order its decision stayed pending District Court review, if the Appeal Authority finds it to be in the best interest of the County.
- c) After a petition is filed under this Section, or a request for mediation or arbitration of a constitutional taking issue is filed under §63-34-13 U.C.A., the petitioner may seek an injunction staying the Appeal Authority's decision.

**TITLE 10, CHAPTER 15  
RESERVED**

**TITLE 10, CHAPTER 16  
ESTABLISHMENT OF ZONING DISTRICTS**

**Section 10-16-1—Zoning by Districts:**

In accordance with the requirement of the Act, that zoning within counties be by districts, Millard County, as shown on the Millard County Zoning Districts Map, is divided into Zoning Districts that govern the use, intensity and other requirements for the use or activities occurring on all unincorporated lands located within the County. The map accompanying this Ordinance, the Millard County Zoning Districts Map, is incorporated herein by this reference as a part of this Ordinance.

To achieve the purposes of this Ordinance and the Act, the following Zoning Districts are provided:

- 1) Range and Forest (RF) District.
- 2) Agriculture - 20 (AG-20) District.
- 3) Agriculture (AG) District.
- 4) Agricultural Industrial District (AI) District.
- 5) Residential District (RI) District.
- 6) Highway Commercial (HC) District.
- 7) Light Industrial (LI) District.
- 8) Heavy Industrial (HI) District.
- 9) Transmission Corridor (TC) District.
- 10) Sensitive Lands Overlay District (SL) (not mapped).

**Section 10-16-2—Zoning Districts Purposes:**

The Zoning Districts are provided and achieve the purposes of the County General Plan and to provide that all allowed uses:

- 1) Are necessary or desirable to provide a service or facility which will contribute to the general well-being of the County; and
- 2) Will be conducted in a manner so as not be detrimental to the health, general welfare and safety of persons or injurious to property or improvements of the immediate area or the County as a whole.

**TITLE 10, CHAPTER 17**

**GENERAL DEVELOPMENT STANDARDS APPLICABLE TO ALL PROPERTY AND  
USES**

**Section 10-17-1—Purpose:**

The purpose of general property standards is to further the purposes of the County General Plan and the County's Land Use Ordinances. Compliance with all general property standards, as well as all other requirements of this Ordinance, and all other Federal, State and Local requirements, as applicable, is required for the approval of all Land Use Applications.

**Section 10-17-2—Consistency and Conformity to the General Plan Required:**

No Land Use Application approval, license or permit, and no Land Use Ordinance, or amendment thereto, no Map, or amendment thereto, and no Official Map, or amendment thereto shall be approved unless such Land Use Application approval, license, permit, amendment, ordinance or map is found to be consistent and conform to the County General Plan, as adopted.

**Section 10-17-3—Public Uses to Conform to General Plan:**

As required by the Act, no publicly owned road, street, way, place, space, building, structure, or facility, and no public utility line, infrastructure, or facility, whether publicly or privately owned, may be constructed unless:

- 1) It conforms to the County's General Plan, including consistency with the accompanying map(s), or;
- 2) It has been considered by the Commission and, after receiving the recommendation of the Commission, has been approved by the BOCC as an amendment to the County's General Plan.
- 3) Received necessary Land Use Application approval by the Land Use Authority, as applicable.

**Section 10-17-4—Effect of Official Maps:**

- 1) As provided by the Act, the County may adopt Official Maps.
- 2) An Official Map does not:

- a) Require a landowner to dedicate and/or construct a road or street as a condition of development approval, except under circumstances provided by Section 10-2-10, or,
- b) Require the County to immediately acquire property.

**Section 10-17-5—Allowed Minimum Use of Legal Lots:**

Except for lots or parcels created as an agricultural division as provided by Section xx of the Subdivision Ordinance, nothing in this Ordinance shall be construed to prevent the establishment of one (1) Single-Family Dwelling on any legal lot or parcel of land, as determined by the County Planner/Zoning Administrator, and provided that such legal lot or parcel is located in a Zoning District that permits Single-Family Dwellings, and any proposed construction can qualify for a Building Permit, as required by the Building Code, as adopted.

**Section 10-17-6—Illegal Lots, Uses, Buildings and Structures:**

Any lot, use, building or structure that was not authorized by a prior Land Use Ordinance, shall remain as an illegal lot, use, building, or structure, unless such lot, use, building, or structure is authorized and permitted as required by this Ordinance.

**Section 10-17-7—Allowed Uses:**

All allowed uses are identified in Appendix A, Table of Uses.

**Section 10-17-8—Prohibited Uses:**

Any use not specifically provided for in Appendix A, Table of Uses is declared to be a Prohibited Use in the unincorporated area of Millard County.

**Section 10-17-9—Use Approval and Building Permit Required Prior to Any Construction:**

No use shall be established and no construction, alteration, enlargement, repair, or removal of any building, structure, or part thereof shall be commenced until the approval of the required Land Use Application, license, or permit.

**Section 10-17-10—Applications Required:**

All requests to establish a use, or construct, alter, enlarge, repair, or demolish any building, structure, or part thereof shall be initiated by the submission of necessary Application(s), to the

County, as required by the County's Land Use Ordinances, including this Ordinance, the Administrative Manual, and Building Code, as adopted.

**Section 10-17-11—All Buildings Taxed as Real Property:**

All buildings shall be taxed as real property. For a mobile home an affidavit shall be filed with the State Tax Commission, pursuant to the requirements of the Utah Code Annotated, as amended.

**Section 10-17-12—Payment of Taxes and Charges Required:**

A Land Use Application approval and any other permit or license approval may provide that the Land Use Application approval, permit, or license is not valid and no building permit shall be issued until all delinquent taxes and charges for the property have been paid to the date of approval.

**Section 10-17-13—Uses on Land Purchased, Leased, or other Acquired from Federal or State Government:**

Land purchased, leased, or otherwise acquired or obtained from any Federal, State or Local agency shall comply with all provisions and requirements this Ordinance and the Administrative Manual.

**Section 10-17-14—Private Uses on Land Owned by the Federal or State Government:**

All private uses occurring on any Federal or State owned lands shall comply with all provisions and requirements this Ordinance and the Administrative Manual.

**Section 10-17-15—All Uses, Buildings, and Structures to Comply with Zoning District Requirements:**

Every use established, and all buildings or structures erected, reconstructed, altered, enlarged or moved shall be used, established, or constructed only as allowed by the requirements of this Ordinance, and the County's other Land Use Ordinances, and Administrative Manual.

**Section 10-17-16—Subdivision and Sale of Property:**

No person shall subdivide any lands, located wholly or partially within the unincorporated area of the County for any purpose, unless approval for such subdivision has been received from the applicable Land Use Authority, as required by the County Subdivision Ordinance, and Administrative Manual.



**Section 10-17-17—Legal Access to all Properties Required:**

To protect the property rights of all owners and to provide adequate and convenient legal access no person shall subdivide any lands, located wholly or partially within the unincorporated area of the County, without providing a legal access to all adjacent properties. No Land Use Application approval, permit, or license shall be approved by the County that has the potential or effect of land locking any property(ies).

**Section 10-17-18—Minimum Lot Frontage Required:**

Every lot or parcel created shall have frontage upon a dedicated or publicly approved road or street, or right-of-way providing direct access to a dedicated or publicly approved road or street. The required lot frontage shall be not less than the minimum lot width requirement as measured at the minimum front yard setback, as required by the Zoning District in which the lot is located.

**Section 10-17-19—Minimum Buildable Area:**

Every lot or parcel created after the effective date of this Ordinance shall have a minimum buildable area sufficient to establish a building or structure thereon that meets the minimum standards of the Zoning District in which the lot or parcel is located. Any area located within an easement may not be included within any minimum buildable area unless the easement beneficiary executes and records a release of the easement in a form acceptable to the County Attorney.

**Section 10-17-20—Lot Standards – Creation of Noncomplying-Lots Prohibited:**

Every lot or parcel created after the effective date of this Ordinance shall comply with the minimum lot size, frontage, width, depth, and all other requirements of this Ordinance.

**Section 10-17-21—All Buildings or Structures to be on a Single Lot:**

All buildings or structures shall be located and maintained on a lot, as defined, such lot meeting all requirements of this Ordinance and the County's other Land Use Ordinances.

**Section 10-17-22—Lots in Two (2) or More Zoning Districts:**

Where a lot is located in two (2) or more Zoning Districts, the more restrictive Zoning District provisions shall apply.

**Section 10-17-23—Required Yard Areas for One Building Only:**

- 1) All required yard or setback areas shall be situated on the same lot as the primary building or structure to which it is required.
- 2) No required yard or setback area for any lot or building required for the purposes of complying with the County's Land Use Ordinances, including this Ordinance, shall be considered as providing the required yard or setback for any other lot or building.
- 3) No area required to meet the lot width, area, setback, or other requirements of this Ordinance for a lot or building may be divided, sold, or leased separately from such lot or building.

**Section 10-17-24—Required Yards to be Unobstructed—Exceptions:**

All required yard or setback areas shall be open to the sky and unobstructed and all buildings or parts thereof shall comply with the setback requirements of the Zoning District, except for permitted and approved accessory buildings, for the projection of sills and other ornamental features.

**Section 10-17-25—Effect of Official Streets Map:**

Wherever a required front yard or side yard abuts on a road or street, the required front yard and side yard setbacks shall be measured from the mapped road or street line provided by the Official Map, as adopted.

**Section 10-17-26—Clear View Area Requirements:**

- 1) **Corner Lot.** In all required setback areas, no obstruction to view in excess of three (3) feet in height shall be placed on any corner lot within the triangle formed by the property lines and a line connecting them at points forty (40) feet from the intersection of the property lines.
- 2) **Roads.** The clear view area on roads shall be the triangle formed by the property lines and a line connecting them at points twenty (40) feet from the intersection of the property lines.
- 3) **Driveways.** The clear view area for a driveway shall be the triangle formed by the driveway lines and the property line and a line connecting them at points twenty five (25) feet from the intersection of the driveway line and property line.
- 4) **Modification of Clear View Area.** The Land Use Authority, as applicable, may make a modification of the clear view areas. The Land Use Authority is authorized to increase or

decrease the required clear view area if it is determined that there is a valid reason to increase or decrease the required clear-view area.

**Section 10-17-27—Minimum Height of All Buildings:**

The minimum height of all primary building shall be as identified in Appendix B, Table of Development Standards, for the Zoning District in which the primary building is located.

**Section 10-17-28—Maximum Height of All Primary Buildings:**

The maximum height of all primary building shall be as identified in Appendix B, Table of Development Standards, for the Zoning District in which the primary building is located.

**Section 10-17-29—Exceptions to Maximum Height Limitations:**

The requirement for maximum building height shall not apply to:

- 1) Steeples, flagpoles, chimneys, wireless or television masts and not used for human occupancy.
- 2) Agricultural buildings provided such buildings are not used for human occupancy.

**Section 10-17-30—Adequate Public Facilities Requirements:**

Land shall be developed only to the extent that adequate infrastructure and services are available, or will be available concurrent with the development activity, and at capacities sufficient to meet the needs of the proposed development. A Land Use Authority may require an analysis to be completed and provided to determine if adequate public facilities and services are available to serve the proposed development and if such development will change the existing levels of service, or will create a demand for services that exceeds available capacities.

Public facilities that may be required by a Land Use Authority to be included in a public facilities analysis include, but are not limited to, road and street facilities, intersection and bridge capacities, culinary water facilities, sanitary sewer facilities, storm drainage facilities, fire protection and suppression facilities, culinary water pressure, fire and emergency services response times, sheriff's services, and other required public facilities and services. A Land Use Authority may deny or modify a proposed development activity if the demand for public facilities and services exceeds available capacities or require an Applicant for a Land Use Application approval, license, or permit to provide the required facilities and services, at the capacities required, and concurrent with the demand created by the development activity, consistent with all applicable legal authorities.

**Section 10-17-31—Culinary Water, Sanitary Sewer and Fire Protection Requirements:**

- 1) All uses and primary buildings requiring culinary water and sanitary sewer services shall comply with the requirements of the Culinary Water Authority and Sanitary Sewer Authority, as applicable.
- 2) All uses and primary buildings shall comply with the requirements of the Fire Authority, as applicable.

**Section 10-17-32—Required Roads, Streets, Fire Protection and other Facilities:**

The installation of necessary roads and streets, roads and street widening and improvement(s), fire protection facilities, and other improvements and facilities required by the County's Land Use Ordinances shall be required as a condition of any required Land Use Application approval, permit, or license.

**Section 10-17-33—Guarantee of Installation of Improvements:**

A Land Use Authority with responsibility to approve a required Land Use Application approval, license, or permit, shall guarantee the installation of any required facilities and services by one of the methods specified as follows:

- 1) The Applicant(s) may furnish and file with the County Clerk a bond with corporate surety in an amount equal to the cost of the improvements as approved by the County Attorney and filed with the County Clerk.
- 2) The Applicant(s) may deposit in escrow with an escrow holder approved by the BOCC an amount of money equal to the cost of the improvements as approved by the County Attorney and filed with the County Clerk.

**Section 10-17-34—Certificate of Occupancy Required:**

- 1) Unless exempted by the Building Code(s), as adopted, no building or structure shall be occupied, or used, until the Building Official has issued a Certificate of Occupancy.
- 2) It is unlawful to occupy or use a building or structure until a Certificate of Occupancy has been issued for such building or structure.
- 3) Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance and the Building Code(s), as adopted.

**Section 10-17-35—Business License Required – Continuing Obligations:**

All activities requiring a business license, as required by the Business License requirements of the County, including all home occupations shall be operated in compliance with all requirements of the Land Use Application, as approved, and all business license requirements.

**Section 10-17-36—Tables of Lot and Setback Requirements for Primary Buildings:**

Appendix B, Table of Development Standards, identifies the minimum lot size, building location requirements, and other requirements for buildings and structures in each Zoning District provided by this Ordinance.

**Section 10-17-37—Off-Street Parking Requirements:**

All uses shall provide the meet the required off-street parking requirements identified by Chapter 19.

**Section 10-17-38—Construction Subject to Geologic, Flood, or Other Natural Hazards:**

To protect the public health, welfare and safety from geologic, flood, or other natural hazards all Land Use Applications for any approval, license, or permit shall comply with the requirements of the Sensitive Lands Overlay District (SL), as applicable, and as provided by Chapter 20.

**Section 10-17-39—Noxious Weeds:**

All property owners shall comply with the requirements of the “Utah Noxious Weeds Act,” Utah Code Annotated, 1953, as amended.

## TITLE 10, CHAPTER 18

### SUPPLEMENTARY STANDARDS APPLICABLE TO CERTAIN USES

#### **Section 10-18-1—Purpose:**

The purpose of supplementary standards is to further the purposes of this Ordinance and to address the use, location, construction, and operation of particular uses and activities. Compliance with all supplementary standards, as applicable, as well as all other requirements of this Ordinance, and all other Federal, State, and Local requirements is required for the approval of all Land Use Applications.

#### **Section 10-18-2—Home Occupations:**

All Applications to establish a home occupation shall comply with the following requirements:

- 1) The home occupation is clearly incidental to the use of the dwelling unit for residential purposes and does not change the character of the structure.
- 2) Entrance to the home occupation from outside shall be the main entrance or the same entrance used by the residents of the dwelling unit, except when required to be otherwise by the Fire Authority, Board of Health, or other public agency with authority.
- 3) The physical appearance, traffic, and other activities in connection with the home occupation are not contrary or in conflict with the purposes of the Zoning District in which the dwelling unit is located.
- 4) All activities associated with the home occupation shall be conducted entirely within the dwelling unit and conducted by the residents of the dwelling only and does not involve the use of any accessory buildings or outside areas for the storage of goods or materials or the conduct of the home occupation.
- 5) The home occupation shall maintain a valid business license.

#### **Section 10-18-3—Child Care:**

- 1) All Child Care facilities, including a “Child Care – Facility,” “Child Care – Hourly,” “Child Care – Licensed Family,” and “Child Care – Residential Certificate” shall comply with all licensure requirements of the State of Utah Department of Child and Family Services.

- 2) All Child Care facilities, including a “Child Care – Facility,” “Child Care – Hourly,” “Child Care – Licensed Family,” and “Child Care – Residential Certificate” shall be inspected and provide a “Fire Clearance” issued by the Fire Authority.
- 3) All Child Care facilities, including a “Child Care – Facility,” “Child Care – Hourly,” “Child Care – Licensed Family,” and “Child Care – Residential Certificate” shall maintain a valid business license.

#### **Section 10-18-4—Manufactured Homes:**

As required by the Act, and for the purposes of this Section, a manufactured home is the same as defined in Section 58-56-3, Utah Code Annotated, 1953, as amended, except that the manufactured home must be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code. All associated carports, garages, storage buildings, additions, or alterations must be built in compliance with the applicable building code.

- 1) A manufactured home may not be excluded from any Zoning District in which a single-family residence would be permitted, provided the manufactured home complies with all Land Use Ordinances, building codes, and any restrictive covenants, applicable to a single-family residence within that Zoning District or area.
- 2) The County may not:
  - a) Adopt or enforce an ordinance or regulation that treats a proposed development that includes manufactured homes differently than one that does not include manufactured homes; or
  - b) Reject a development plan because the development is expected to contain manufactured homes.

#### **Section 10-18-5—Church:**

The establishment of any “church” shall comply with all requirements of the “Utah Religious Land Use Act”.

#### **Section 10-18-6—Accessory Buildings and Accessory Uses:**

- 1) All accessory buildings or accessory uses shall only be permitted concurrently with, or following, the establishment of a primary building or primary use.

- 2) Accessory buildings may be attached to, or detached from, the primary building, except all accessory building(s) housing animals or fowl shall be located, as provided by Appendix B.
- 3) An accessory building that is attached to a primary building shall meet all development standards for the location of the primary building.
- 4) A detached accessory building shall meet all requirements for the location of a detached accessory building, as provided by Appendix B.
- 5) The location of all accessory buildings, located on corner lots, shall meet the required side yard setback, applicable in the Zoning District.
- 6) No mobile home, travel trailer, or similar recreational vehicle shall be used as an accessory building.
- 7) All accessory buildings shall comply with the requirements of the Building Codes, as adopted, and as applicable.
- 8) No accessory building shall be used as a dwelling unit for human occupancy, unless such accessory building has been approved as an Accessory Dwelling Unit for an Owner or Employee, as provided by Section 10-18-9.
- 9) Accessory buildings shall not be rented, leased, or sold separately from the rental, lease, or sale of the primary building located on the same lot.
- 10) No portion of any accessory building shall be allowed to extend over any property line.
- 11) No storm water runoff from an accessory building shall be allowed to run onto adjacent property.

**Section 10-18-7—Limitations on the Size and Location of Accessory Buildings in Residential Zones:**

Appendix B, Minimum Standards for Detached Accessory Buildings and Structures, identifies the development standards for all detached accessory buildings.

**Section 10-18-8—Smaller Accessory Buildings – Exemption from Building Permit Requirements:**



Accessory buildings with a maximum height of ten (10) feet and a maximum size less than one-hundred twenty (120) square feet shall not require a building permit, provided all setback requirements for the Zoning District in which the accessory building is located are met, no portion of the accessory building extends over any property line, and no storm water runoff from the accessory building is allowed to run onto adjacent property.

**Section 10-18-9—Accessory Dwelling Unit for an Owner or Employee:**

- 1) An Accessory Dwelling Unit for an Owner or Employee shall not be rented, leased, or sold separately from the rental, lease, or sale of the primary building located on the same lot.
- 2) The lot proposed for an Accessory Dwelling Unit for an Owner or Employee shall already have an existing primary structure provided, or approved, prior to the consideration of an Application to allow an accessory dwelling unit.
- 3) An Accessory Dwelling Unit for an Owner or Employee shall meet the required setbacks for attached or detached accessory buildings and uses as required by the Zoning District in which they are located.
- 4) An Accessory Dwelling Unit for an Owner or Employee shall be connected to, and served by, the same water, sewer, electrical, water, and gas meters that serve the primary building. No separate utility lines, connections, or meters shall be allowed for an Accessory Dwelling Unit for an Owner or Employee.
- 5) The construction of an Accessory Dwelling Unit for an Owner or Employee shall meet all requirements of the adopted Building Code, as applicable.
- 6) Mobile homes, travel trailers, boats, or similar recreational vehicles shall not be used as an Accessory Dwelling Unit for an Owner or Employee.
- 7) The Land Use Application approval for an Accessory Dwelling Unit for an Owner or Employee shall be received before a Building Permit is issued.
- 8) As a condition of approval required to establish an Accessory Dwelling Unit for an Owner or Employee, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the County, running in favor of the County, which shall prohibit the rental, lease or sale of the Accessory Dwelling Unit for an Owner or Employee separately from the rental, lease or sale of the primary use or building. Proof that such deed restriction has been recorded shall be provided to the

County Planner/Zoning Administrator prior to the issuance of the Certificate of Occupancy for the Accessory Dwelling Unit for an Owner or Employee.

**Section 10-18-10—Fences and Walls:**

- 1) Height.
  - a) Unless required for Land Use Application approval no fence, wall, hedge, or similar structure shall be erected on any required rear or side yard to a height in excess of six (6) feet, provided that any such fence will not result in the establishment of a hazardous condition and will comply with the “Clear View” requirements of Section 10-17-26.
  - b) All fences and walls higher than six (6) feet, measured from finished grade, shall obtain a Fence Permit, approved by the County Planner/Zoning Administrator and Building Official.
- 2) Quality of Construction.
  - a) All fences and walls shall be constructed in a workman-like manner according to industry standards.

**Section 10-18-11—Bed and Breakfast Inn:**

A Bed and Breakfast Inn shall be conducted only in a single-family dwelling and only by the owner of the dwelling that complies with the following requirements:

- 1) The single-family dwelling proposed as a Bed & Breakfast Inn shall meet all applicable requirements of this Ordinance, other Land Use Ordinances, adopted Building Code, and Health Code, as applicable.
- 2) The Fire Authority shall inspect the premises and be satisfied that the dwelling and premises comply with all applicable Fire Code, as adopted.
- 3) A hard-surfaced off street parking area of one (1) parking space for each guest room, in addition to the parking requirements for the single-family dwelling shall be provided.
- 4) No accessory structure, motor home, travel trailer, boat, or similar vehicle or facility shall be used as guest rooms.

**Section 10-18-12—Residential Facilities for Elderly Persons:**

The approval of a Residential Facility for Elderly Persons is nontransferable and terminates if the structure is devoted to a use other than a Residential Facility for Elderly Persons, or if the structure fails to comply with the requirements of this Section.

- 1) A Residential Facility for Elderly Persons shall not:
  - a) Operate as a business (Section 17-27a-515(1), UCA, as amended).
  - b) Be considered as a business because a fee is charged for food or actual and necessary costs of operation and maintenance of the facility (Section 17-27a-515(3), UCA, as amended).
  - c) Provide housing for a person being treated for alcoholism or drug abuse (Section 17-27a-516, UCA, as amended).
- 2) A Residential Facility for Elderly Persons shall:
  - a) Be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident (Section 17-27a-515(2)(a), UCA, as amended).
  - b) Be consistent with any existing, applicable land use ordinance requirements affecting the location (Section 17-27a-515(2)(b), UCA, as amended).
  - c) Be occupied on a 24-hour basis by eight or fewer elderly persons in a family-type arrangement (Section 17-27a-515(2)(c), UCA, as amended).
  - d) Be capable of use as a Residential Facility for Elderly Persons without structural or landscaping alterations that would change the structure's residential character (Section 17-27a-516, UCA, as amended).
  - e) Shall meet all Land Use Ordinances, Building Code(s), and Health Codes as adopted, as applicable to similar dwellings (Section 17-27a-516(2)(c), UCA, as amended).
  - f) Provide adequate off-street parking (Section 17-27a-516, UCA, as amended).

- 3) Placement in a Residential Facility for Elderly Persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility (Section 17-27a-516(2)(f), UCA, as amended).
- 4) The Land Use Authority in reviewing an Application to establish a Residential Facility for Elderly Persons may to the extent necessary modify the requirements of this Section, if such modification is necessary to make a reasonable accommodation to afford persons residing in such facilities equal opportunity in the use and enjoyment of the facility.

**Section 10-18-13—Residential Facilities for Persons with a Disability:**

- 1) **Requirements Determined to Comply.** The requirements of this Section are hereby found to comply with Title 57, Chapter 21, Utah Fair Housing Act, and the Federal Fair Housing Amendments Act of 1988, 42 U.S.C. Section 3601 *et seq.*
- 2) **Applicant required to identify type of Residential Facility for Persons with a Disability proposed.**
  - a) The Applicant for a Land Use Permit to establish a Residential Facility for Persons with a Disability, and who is either the owner or provider, shall identify in writing, and included with the Land Use Application, the specific type of Residential Facility for Persons with a Disability to be licensed by the Utah Department of Human Services, Office of Licensing, under Title 62A, Chapter 2 or the Utah Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
  - b) No action by the Land Use Authority, as applicable, shall be taken and no Application shall be scheduled for review until the Applicant has specifically identified the type of Residential Facility for Persons with a Disability proposed to be licensed by the Utah Department of Human Services, Office of Licensing, under Title 62A, Chapter 2 or the Utah Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
- 3) **Land Use Authority approval Limited.** The approval of a permit or license to operate a Residential Facility for Persons with a Disability shall be limited to the type of Residential Facility for Persons with a Disability, as licensed by the Utah Department of Human Services, Office of Licensing under Title 62A, Chapter 2 or the Utah Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

- 4) **Residential Facility for Persons with a Disability licensed or certified by the Department of Human Services, Office of Licensing under Title 62A, Chapter 2, Licensure of Programs and Facilities – Minimum Standards for Land Use Permit Approval.**
- a) **All Land Use Applications to establish a Residential Facility for Persons with a Disability shall comply with all requirements for licensure, as required by the Utah Department of Human Services or the Utah Department of Health and this Section.**
- b) **Physical Environment.**
- i) The Residential Facility for Persons with a Disability is proposed to be located within a zoning district where similar residential dwellings that are not residential facilities for persons with a disability are allowed (Section 17-27a-519(2)(b) UCA, as amended). Such zoning districts are identified in Appendix – Table of Uses.
- ii) The proposed Residential Facility for Persons with a Disability complies with the dispersal standards provided in Appendix A – Table of Uses (Section 17-27a-519(3)(a)(i) UCA, as amended).
- iii) As provided by R501 *et. seq.* Utah Administrative Code (“UAC”) as amended, no Residential Facility for Persons with a Disability shall be approved unless it complies with all Physical Facilities requirements including:
- (1) It is proposed in a building, or buildings, that complies, or will comply with County Land Use Ordinances, as adopted, and as applicable to similar structures in the zoning district in which the Residential Facility for Persons with a Disability is proposed, as evidenced in writing by the County Planner/Zoning Administrator.
- (2) It is proposed in a building, or buildings, that complies, or will comply, with all business license requirements, as evidenced in writing by the County Planner/Zoning Administrator.
- (3) It is proposed in a building, or buildings, that complies, or will comply with all Building Code(s), as adopted, and as applicable to similar structures in which the Residential Facility for Persons with a Disability is proposed, as evidenced in writing by the County Building Official.

- (4) It is proposed in a building, or buildings, that complies, or will comply with all state fire prevention laws and requirements, as evidenced in writing by a representative of the State of Utah Fire Marshall's Office.
  - (5) It is proposed in a building, or buildings, that complies, or will comply with all state and local health codes and rules regarding sanitation and infectious disease control, as evidenced in writing by the Local Health Department.
- c) **Buildings and Grounds.**
- i) The appearance and cleanliness of the building(s) and grounds shall be adequately maintained.
  - ii) Reasonable measures shall be taken to ensure a safe physical environment for all clients and staff.
- 6) **Maximum Number of Occupants (Clients and Staff) to be Established.** Any building, or buildings, proposed to be used as a Residential Facility for Persons with a Disability shall be inspected or reviewed by the Millard County Building Official, considering the requirements of Physical Environment, as provided by UAC, as amended, and established for the type of Residential Facility for Persons with a Disability, as identified by the Applicant, as required by Section 10-18-13(2) herein. Following this inspection or review, the County Building Official shall determine the maximum number of occupants (clients and staff) to be permitted for the type of Residential Facility for Persons with a Disability. This determination shall be provided in writing to the Land Use Authority, as applicable, and prior to any action by the Land Use Authority on the Land Use Application.
- 7) **Residential Facility for Persons with a Disability licensed or certified by the Department of Human Services – Office of Licensing under Title 62A, Chapter 2, Licensure of Programs and Facilities or the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act – Permitted Use provisions to apply.**
- a) The State of Utah Department of Human Services – Office of Licensing and Department of Health licenses or certifies various residential facilities. For the purposes of this Section, a Residential Facility for Persons with a Disability licensed or certified by the State of Utah Department of Human Services – Office of Licensing or the Department of Health shall be a Permitted (P-1) Use within a zoning district

where similar residential dwellings that are not residential facilities for persons with a disability are allowed (Section 17-27a-519(2)(b) UCA, as amended).

- b) No Residential Facility for Persons with a Disability shall be approved by the Land Use Authority unless and until all requirements for the necessary license or certification have been met and the facility has received the necessary approval from the State of Utah Department of Human Services – Office of Licensing or the State of Utah Department of Health; or
  - c) The Land Use Authority shall condition an approval of a Land Use Application on the presentation of written evidence that the State of Utah Department of Human Services – Office of Licensing or the Department of Health Department of Health, as required by this Section, has licensed the Residential Facility for Persons with a Disability. Failure to provide written evidence of such license or certification within ninety (90) days following approval to the County Planner/Zoning Administrator shall automatically void any approval and invalidate any existing or pending land use permit or license.
- 8) **Continued Compliance with all Licensure Requirements of the Department of Human Services or Department of Health.**
- a) The responsibility to license or certify programs, or owners or providers that operate a Residential Facility for Persons with a Disability, as well as require and monitor the provision of adequate services to clients shall rest with the State of Utah Department of Human Services or the State of Utah Department of Health. All types of Residential Facilities for Persons with a Disability shall maintain the necessary license or certification as required by the Utah Department of Human Services or the Utah Department of Health.
  - b) Failure to maintain a valid license or certification with the Department of Human Services or the Department of Health shall be cause for any approval, license or permit issued by a Land Use Authority to be automatically terminated and be found to be void and invalid.
- 9) **Approval to Operate a Residence for Persons with a Disability Non-transferable.**
- a) The Utah Department of Human Services, Office of Licensing and the Utah Department of Health specifically issues the required license or certification to operate the type of Residential Facility for Persons with a Disability approved by the

Utah Department of Human Services, Office of Licensing or the Utah Department of Health to the owner or operator of the Facility.

- b) An approval to operate a Residential Facility for Persons with a Disability, as authorized by this Section, is nontransferable and shall only be valid to the owner or provider identified on the Application authorizing the operation of the Residential Facility for Persons with a Disability, and as identified as the owner or provider, licensed by the State of Utah Department of Human Services or the State of Utah Department of Health. An approval to operate a Residential Facility for Persons with a Disability terminates if the building, or buildings, are devoted to another use or if the Facility fails to comply with any of requirements of this Section or the requirements of the Utah Department of Human Services or the Utah Department of Health.

10) **Reasonable Accommodations.** The Land Use Authority, in reviewing an Application to establish and operate a Residential Facility for Persons with a Disability, may to the extent necessary, modify the requirements of this Section, if such modification is necessary to make a reasonable accommodation to afford persons residing in such facility equal opportunity in the use and enjoyment of the facility and/or to comply with the requirements of Title 57, Chapter 21, Utah Fair Housing Act or the Federal Fair Housing Amendments Act of 1988, 42 U.S.C. Section 3601 et seq.

**Section 10-18-14—Residential Facilities for Persons with a Disability that are Substance Abuse Facilities and are Located within Five Hundred (500) Feet of a School:**

With the following additions and exception to the requirements for a Residence for Persons with a Disability, as provided by Section 10-18-13, the following requirements shall apply to all Residences for Persons with a Disability that are substance abuse facilities and proposed within five hundred (500) feet of a school:

- 1) In accordance with the rules established by the Department of Human Services under Title 62A et. seq. Licensure of Programs and Facilities, U.C.A. shall provide;
  - a) A security plan satisfactory to the Millard County Sherriff.
  - b) Twenty-four (24) hour supervision for residents; and
  - c) Other twenty-four (24) hour security measures.



- 2) A Residential Facility for Persons with a Disability that are substance abuse facilities and proposed within five hundred (500) feet of a school shall be a Permitted (P-2) Use within the zoning districts identified by Appendix A – Table of Uses.

**Section 10-18-15—Therapeutic School.**

- 1) **Land Use Authority approval Limited:** The approval of a permit or license to operate a Therapeutic School shall be limited by the standards established by the Utah Department of Human Services, Office of Licensing, and the County.
- 2) **Therapeutic School – Minimum Standards for Land Use Permit Approval:**
  - a) **All Land Use Applications to establish a Therapeutic School shall comply with all requirements for licensure, as required by the Utah Department of Human Services and this Section.**
  - b) **Physical Environment.** A Therapeutic School shall comply with the following:
    - i) A Therapeutic School shall be a Conditional (C-1) Use within the zoning districts identified by Appendix A – Table of Uses.
    - ii) The proposed Therapeutic School complies with the dispersal standards provided in Appendix A – Table of Uses.
    - iii) As provided by R501-14 et. seq. Utah Administrative Code (“UAC”) as amended, no Therapeutic School shall be approved unless it complies with Physical Facilities requirements including, but not limited to:
      - (1) It is proposed in a building, or buildings, that complies, or will comply with Millard County’s Land Use Ordinances, as adopted, and as applicable to similar structures in the Zoning District in which the Therapeutic School is proposed, as evidenced in writing by the County Planner/Zoning Administrator.
      - (2) It is proposed in a building, or buildings, that complies, or will comply, with all business license requirements, as evidenced in writing by the County Planner/Zoning Administrator.
      - (3) It is proposed in a building, or buildings, that complies, or will comply with all Building Code(s), as adopted, and as applicable to similar structures in

which the Therapeutic School is proposed, as evidenced in writing by the County Building Official.

- (4) It is proposed in a building, or buildings, that complies, or will comply with all state fire prevention laws and requirements, as evidenced in writing by a representative of the State of Utah Fire Marshall's Office.
- (5) It is proposed in a building, or buildings, that complies, or will comply with all state and local health codes and rules regarding sanitation and infectious disease control, as evidenced in writing by the Local Health Department.

**c) Buildings and Grounds.**

- i) The appearance and cleanliness of the building(s) and grounds shall be adequately maintained.
- ii) The Therapeutic School shall maintain on-site offices.
- iii) Reasonable measures shall be taken to ensure a safe physical environment for all clients and staff.

**3) Maximum Number of Occupants (Clients and Staff).**

Any building, or buildings, proposed to be used as a Therapeutic School shall be inspected or reviewed by the County Building Official, considering the requirements of Physical Environment, as provided by the UAC, as amended, and established for Therapeutic Schools. Following this inspection or review the County Building Official shall determine the maximum number of occupants (clients and staff) to be permitted. This determination shall be provided in writing to the Land Use Authority, as applicable, and prior to any action by the Land Use Authority.

**4) Department of Human Services License Required:**

- a) No Therapeutic School shall be approved by the Land Use Authority unless and until all requirements for the necessary license or certification have been met and the facility has received the necessary approval from the State of Utah Department of Human Services - Office of Licensing; or
- b) The Land Use Authority may condition an approval on the presentation of written evidence that the State of Utah Department of Human Services - Office of Licensing

has licensed the Therapeutic School. Failure to provide written evidence of such license or certification within ninety (90) days following approval to the County Planner/Zoning Administrator shall automatically void any approval and invalidate any existing or pending land use permit or license.

**5) Continued Compliance with the Licensure Requirements of the Department of Human Services.**

- a) The responsibility to license programs, or owners or providers that operate a Therapeutic School, as well as require and monitor the provision of adequate services to clients shall rest with the State of Utah Department of Human Services. A Therapeutic School shall maintain the necessary license with the Utah Department of Human Services.
- b) Failure to maintain a valid license with the Department of Human Services shall be cause for any approval, license or permit issued by a Land Use Authority to be automatically terminated and be found to be void and invalid.

**7) Approval to Operate a Therapeutic School Non-transferable.**

An approval to operate a Therapeutic School, as authorized by this Section, is nontransferable and shall only be valid to the owner or provider identified on the Application authorizing the operation of the Therapeutic School, and as identified as the owner or provider licensed by the State of Utah Department of Human Services. An approval to operate a Therapeutic School terminates if the building, or buildings, are devoted to another use or if the Facility fails to comply with any of requirements of this Section or the license requirements of the Utah Department of Human Services.

**8) Reasonable Accommodations.**

The Land Use Authority, in reviewing an Application to establish and operate a Therapeutic School, may to the extent necessary modify the requirements of this Section, if such modification is necessary to make a reasonable accommodation to afford persons residing in such facility equal opportunity in the use and enjoyment of the facility and/or to comply with the requirements of Title 57, Chapter 21, Utah Fair Housing Act or the Federal Fair Housing Amendments Act of 1988, 42 U.S.C. Section 3601 et seq.

**Section 10-18-16 – Outdoor Youth Programs:**

- 1) **Land Use Authority approval Limited:** The approval of a permit or license to operate an Outdoor Youth Program shall be limited, as licensed by the Utah Department of Human Services, Office of Licensing.
- 2) **Outdoor Youth Programs – Minimum Standards for Land Use Permit Approval:**
  - a) **All Land Use Applications to establish an Outdoor Youth Program, as provided by Rule R501-8, Outdoor Youth Programs, UAC, as amended, shall comply with all requirements for licensure, as required by the Utah Department of Human Services and this Section.**
  - b) **Minimum Local Requirements:**
    - i) As authorized by the UAC, including R501 et. seq., as amended, no Outdoor Youth Program shall be approved unless:
      - (1) It has been approved as a Conditional (C-2) Use within the zoning districts identified by Appendix A – Table of Uses.
      - (2) A Millard County business license has been issued, and the Outdoor Youth Programs remains in compliance with all business license requirements, as evidenced in writing by the County Planner/Zoning Administrator.
      - (3) The maximum group size has been reviewed and approved, as evidenced in writing by the Millard County Sheriff's Office and the Local Health Department.
      - (4) An Emergency Evacuation Plan has been reviewed and approved, as evidenced in writing by the Millard County Sheriff's Office. Such Emergency Evacuation Plan shall identify all necessary arrangements with all local rescue services for possible emergency evacuation needs, which shall be reviewed and approved every six months by the Millard County Sheriff's Office.
      - (5) Written evidence that a copy of each expeditionary route has been provided to the Millard County Sheriff's Office, including schedule and itinerary.
      - (6) Written evidence is provided from the property owner or Federal land managers of approval to operate the Outdoor Youth Program on the property(ies) at the proposed location.

- (7) All stationary Outdoor Youth Program camps shall be inspected by the Local Health Department before being occupied and on an annual basis thereafter. A copy of the inspection shall be maintained at the site of the camp and a copy provided to the County Planner/Zoning Administrator. The inspection shall require the following:
  - (a) Food. Food be stored, prepared and served in a manner that is protected from contamination.
  - (b) Water Supply. The water supply shall be from a source that is accepted by the local health authority according to UAC R392-300 "Rules for Recreation Camp Sanitation," as amended, at the time of application and for annual renewal of such licenses.
  - (c) Sewage Disposal. Sewage shall be disposed of through a public system, or in absence of a public system, in a manner approved by the local health authority, according to UAC R392-300 "Rules for Recreation Camp Sanitation," as amended.
- 3) **Department of Human Services License Required:**
  - a) No Outdoor Youth Program shall be approved by the Land Use Authority unless and until all requirements for the necessary license or certification have been met and the facility has received the necessary approval from the State of Utah Department of Human Services – Office of Licensing; or
  - b) The Land Use Authority may condition an approval on the presentation of written evidence that the State of Utah Department of Human Services – Office of Licensing has licensed the Outdoor Youth Program. Failure to provide written evidence of such license or certification within ninety (90) days following approval to the County Planner/Zoning Administrator shall automatically void any approval and invalidate any existing or pending land use permit or license.
- 4) **Continued Compliance with the Licensure Requirements of the Department of Human Services.**
  - a) The responsibility to license programs, or owners or providers that operate an Outdoor Youth Program, as well as require and monitor the provision of adequate services to clients shall rest with the State of Utah Department of Human Services.

An Outdoor Youth Program shall maintain the necessary license with the Utah Department of Human Services – Office of Licensing.

- b) Failure to maintain a valid license with the Department of Human Services shall be cause for any approval, license or permit issued by a Land Use Authority to be automatically terminated and be found to be void and invalid.

**5) Approval to Operate an Outdoor Youth Program Non-transferable.**

- a) An approval to operate an Outdoor Youth Program, as authorized by this Section, is nontransferable and shall only be valid to the owner or provider identified on the Application authorizing the operation of the Outdoor Youth Program, and as identified as the owner or provider licensed by the State of Utah Department of Human Services – Office of Licensing. An approval to operate an Outdoor Youth Program terminates if the Outdoor Youth Program fails to comply with any of requirements of this Section or the license requirements of the Utah Department of Human Services.

**6) Reasonable Accommodations.**

The Land Use Authority, in reviewing an Application to establish and operate an Outdoor Youth Program may to the extent necessary, modify the requirements of this Section, if such modification is necessary to make a reasonable accommodation to afford persons equal opportunity in the use and enjoyment of the Outdoor Youth Program.

**Section 10-18-17—Prohibited Animals:**

No animals or fowl that are inherently or potentially dangerous shall be kept on any lot or parcel located within the County.

**Section 10-18-18—Wireless Telecommunications Site/Facility:**

This Section provides standards for wireless telecommunication facilities to promote compatibility with adjoining uses to the extent permitted by the Telecommunications Act of 1996, as amended.

- 1) Scope. The requirements of this Section shall apply to all wireless telecommunications facilities such as “cellular” or “PCS” (Personal Communications System) communications and paging systems. This Section shall not apply to radio antennas complying with the ruling of the Federal Communications Commission in “Amateur Radio Preemption, 101 FCC 2nd 952 (1985)” or a regulation related to amateur radio service adopted under 47 C.F.R Part 97.

- 2) Facility Types. The following types of wireless telecommunication facilities shall be governed by this Section:
  - a) Stealth Design Antennas.
  - b) Roof – Mounted Antennas.
  - c) Wall – Mounted antennas.
  - d) Monopoles – monopoles with antennas and antenna support.
- 3) Prohibited Facility Types. Unless a facility is a wireless telecommunication facility identified above, all other types of facilities are determined to be prohibited facilities within the County, including the following facilities:
  - a) Lattice Tower. A lattice tower unless otherwise required by to comply applicable State or Federal law.
  - b) All other types of wireless telecommunication facilities unless otherwise required to comply with State or Federal law.
- 4) Other Laws. The requirements of this Section shall not be construed to prohibit or limit other applicable provisions of this Ordinance or other laws, including regulations of the Federal Communications Commission and the Federal Aviation Administration.
- 5) Existing Facility Plan Required. When a carrier applies for an approval under this Section, the carrier shall submit a plan showing by location and type of the carrier's existing and planned facilities within the County.
- 6) Screening. Any associated mechanical or electrical equipment shall be completely screened from view, from public rights-of-way, on-site parking areas and adjacent properties, with a decorative screening fence, and/or landscaping.
- 7) Location. The proposed facility, including associated mechanical and electrical equipment, shall not be located within any public right-of-way.
- 8) Compliance Required. The proposed facility shall conform to the requirements of this Section and other applicable Federal, State, or Local laws, including regulations of the Federal Communications Commission and the Federal Aviation Administration.

- 9) Permits Required. Copies of required permits from Federal and State agencies establishing compliance with applicable Federal or State regulations shall be filed with the County Clerk as a part of a Land Use Application required to authorize the proposed facility.
- 10) Stealth Design Antennas. The following provisions shall apply to all stealth-design antennas. The intent of this Section is to allow creativity in designing a proposed facility so that it will have limited visual impact.
- a) Stealth designs may include, but are not limited to, the use of one (1) or more of the following:
    - i) Screening, structure, and/or antenna design which blend with the architecture of the existing structure upon which the antenna will be mounted.
    - ii) Screening, structure, antenna and/or location design which blend with and/or take advantage of existing vegetation and/or features of a site; and
    - iii) Color schemes that make the antenna less noticeable.
  - b) Any associated mechanical or electrical equipment shall be completely screened from view, from public rights-of-way, on-site parking areas and adjacent properties, with a decorative screening fence, and/or landscaping.
  - c) The proposed facility, including associated mechanical and electrical equipment, shall not be located within any public right-of-way.
  - d) The proposed facility shall conform to the requirements of this Section and other applicable Federal, State, or Local laws, including regulations of the Federal Communications Commission and the Federal Aviation Administration.
  - e) Copies of required permits from Federal and State agencies establishing compliance with applicable Federal and State regulations shall be maintained on file with the County Clerk.
  - f) The proposed facility shall conform to applicable development standards set forth in this Section.
  - g) The Land Use Authority shall have authority to determine whether a proposed roof-mounted or wall-mounted wireless telecommunications facility design will have limited visual impact and whether a proposed stealth design meets the intent of this Section.



11) Roof-Mounted Antennas. The following provisions shall apply to roof-mounted antennas.

- a) Roof-mounted antennas may only be allowed if determined to be a stealth design as set forth in this Section.
- b) The maximum height of any roof-mounted antenna shall comply with the maximum building height allowed in the Zoning District in which the roof-mounted antenna is located.
- c) The maximum number of roof-mounted antennas shall be one (1) roof-mounted antenna per building or structure

12) Wall-Mounted Antennas. Wall-Mounted antennas may only be allowed if determined to be a stealth design as set forth in this Section. The following provisions shall apply to flush- and non-flush mounted wall antennas.

- a) Wall-mounted antennas shall not:
  - i) Extend above the maximum building height allowed in the Zoning District in which the wall-mounted antenna is located.
  - ii) Extend more than one (1) foot horizontally from the wall surface.
- b) Wall-mounted antennas, equipment, and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen.
- c) The maximum number of wall-mounted antennas shall be one (1) wall-mounted antenna per building or structure.
- d) All wall-mounted antennas shall be approved stealth-design antennas as set forth in this Section.

13) Monopoles and Antenna Support Structures. Monopoles with antennas support structures shall only be allowed if determined to be a stealth design, as set forth in this Section. The following provisions shall apply to monopoles and antenna support structures.

- a) The maximum height of any monopole, including antennas and antenna support structures, shall comply with the maximum building height allowed in the Zoning District

in which the monopole, including antennas and antenna support structures is located, measured from the natural grade at the base of the monopole to the highest point of the pole, antennas, or support structures.

- b) The location of a monopole, and its associated equipment and facilities, shall be as follows:
  - c) All accessory equipment not located within an accessory building shall be completely screened from view by a decorative screening fence.
  - d) All monopoles and associated equipment and facilities shall be a stealth design, as provided by this Section. The Land Use Authority shall have the authority and responsibility to determine whether a proposed monopole and its associated accessory equipment and facilities will have limited visual impact.
  - e) A monopole, and its associated equipment and facilities, shall comply with the minimum yard setback requirements of the Zoning District in which it is located.
  - f) A monopole shall not be located within one thousand (1,000) linear feet from another monopole.
  - g) All communication and power lines to or between any accessory building, accessory equipment, and antenna structures, shall be located underground.
- 14) Alternative Locations. In considering Applications to locate wireless telecommunications facilities, the Land Use Authority shall consider whether the location of the antenna on other existing structures in the same vicinity, such as other towers, buildings, athletic field lights, parking lot lights, etc., is possible without significantly affecting antenna transmission or reception.
- 15) Non-Maintained and Abandoned Facilities—Letter Agreement. Prior to approval of an Application for a wireless telecommunication facility, the Applicant shall provide the Land Use Authority a letter agreeing to the requirements of this Section. The letter agreement shall State that if technology renders the facility obsolete, the facility is not maintained, the facility is abandoned, or the facility is vacated, the carrier will provide the County Clerk with a copy of a "Notice to Abandon" to be filed with the Federal Communications Commission and will remove the facility.
- 16) If the County Planner/Zoning Administrator determines that a facility is not maintained, is abandoned, or is vacated, the County Planner/Zoning Administrator shall send the carrier a Notice of Non-Maintenance or Abandonment by certified mail. If a facility subject to the

notice has not been repaired, put into use, or removed within thirty (30) calendar days of receipt of the notice, the County Planner/Zoning Administrator shall send the carrier a certified Notice to Remove, which shall give the carrier thirty (30) calendar days from the receipt of the notice to remove the facility. In the event a facility is not removed as required, the County may undertake legal proceedings to enforce removal as set forth in this Section, or other applicable Ordinances of the County.

#### **Section 10-18-19—Amateur Radio Antennas:**

As required by the Act, the County may not enact or enforce an ordinance that does not comply with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.

If the County adopts an ordinance involving the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic conditions, the Ordinance shall:

- 1) Reasonably accommodate amateur radio communications; and
- 2) Represent the minimal practicable regulation to accomplish the County's purpose.

#### **Section 10-18-20—Sale, Distribution, and Consumption of Alcoholic Beverages and Alcoholic Products:**

All Applications for a Beer License, as provided by Utah law, shall comply with the procedures and requirements of the County for the sale, distribution, and consumption of alcoholic beverages and alcoholic products, as adopted.

#### **Section 10-18-21—Sexually Oriented Business:**

A sexually oriented business may be authorized as a Conditional Use in the Zoning Districts identified by the Table of Uses, subject to the following conditions:

- 1) No sexually oriented business shall be located less than one thousand (1,000) feet of:
  - a) A church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities.
  - b) A public or private educational facility, including, but not limited to, child daycare facilities, nursery schools, preschools, kindergartens, elementary schools, private schools,

intermediate schools, junior high schools, middle schools, high schools, vocational schools, junior colleges and universities. "School" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.

- c) A public park or recreational area which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, wilderness area, or other similar public land within the County.
  - d) An entertainment business that is oriented primarily towards children or family entertainment.
  - e) Any private club or tavern; or
  - f) The property line of a lot devoted to a residential use.
- 2) For the purpose of this Section, measurements shall be made in a straight line, without regard to the intervening structures or objects from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in this Section. Presence of a City, County, or other political subdivision boundary shall not be considered for purposes of calculating and applying the distance requirements of this Section.
- 3) For the purpose of this Section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- 4) Signs for sexually oriented businesses shall be limited as follows:
- a) No more than one (1) exterior wall sign or awning sign shall be allowed.
  - b) No sign shall be allowed to exceed eighteen (18) square feet.
  - c) No animation shall be permitted on, or around any sign, or on the exterior walls or roof of such premises.
  - d) No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.

- e) Painted wall advertising shall not be allowed.
- 5) Other than the signs specifically allowed by this Section, sexually oriented businesses shall not attach, construct, or allow to be attached or constructed, any temporary signs, banner, light, or other device designed to draw attention to the business location.

**Section 10-18-22–Wind Energy System (Major):**

This Section provides the minimum standards for the placement, construction and modification of Wind Energy System (Major), while promoting the safe, effective and efficient use of such systems.

- 1) Location. A Wind Energy System (Major) may be authorized as provided by Appendix A, Table of Uses.
- 2) All Wind Energy Systems (Major) shall be set back from the nearest property line and public road right-of-way as approved by the Land Use Authority, as applicable.
- 3) All Wind Energy Systems (Major) shall be located so as to avoid creating any negative impacts or nuisance to any adjoining use or property, as evidenced by data, information, materials, and studies provided by the Applicant, and accepted and approved by the Land Use Authority.
- 4) Minimum Parcel Size. No Wind Energy System (Major) shall be established on any parcel less than twenty (20) acres.
- 5) Height. The height of a Wind Energy System (Major) shall be as approved by the Land Use Authority, as applicable.
- 6) Design Standards. A Wind Energy System (Major) shall demonstrate that any structures, location and siting will not result in shadow flicker, noise, or ice throw on an adjacent property or structure, including a finding that the Wind Energy System (Major) can be approved complying with all requirements of this Section. In addition, the Land Use Authority shall consider the following when considering a Land Use Application for a Wind Energy System (Major);
  - a) Avian Impacts.
  - b) Visual Impacts, appearance and View Sheds.
  - c) Wildlife Habitat Areas and Migration Patterns.

- d) Decommissioning, Reclamation and Abandonment Plans.
  - e) Lighting and Federal Aviation Administration (FAA) height restrictions.
  - f) Fencing and Security.
  - g) Noise Impacts.
  - h) Shadow Flicker and Strobe Effects.
  - i) Telecommunications Interference.
  - j) Other Issues and Impacts, as applicable.
- 7) Safety and Access.
- a) No tower shall have any climbing apparatus within fifteen (15) feet of the ground. All access doors or access ways to towers and electrical equipment shall be locked at all times.
  - b) Appropriate warning signage shall be placed on towers, electrical equipment and wind energy system entrances.
- 8) Noise. No Wind Energy System (Major) shall exceed sixty decibels (60 dBA) as measured at the property line or fifty decibels (50 dBA) measured at the nearest dwelling.
- 9) Visual Appearance.
- a) Wind Energy System (Major) shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective.
  - b) No Wind Energy System (Major) shall be lighted unless required by the Federal Aviation Administration (FAA).
  - c) No advertising signs of any kind shall be permitted on any Wind Energy System (Major).
  - d) Appropriate screening and landscaping shall be provided to screen all accessory structures from roads and adjacent dwellings and public buildings.

- 10) Electrical Connections. All electrical connections and distribution lines shall comply with all applicable codes and public utility requirements.
- 11) Communications Signal Interference. All efforts shall be made to site Wind Energy System (Major) to reduce the potential for blocking or reflecting television and other communication signals. No Wind Energy System (Commercial) shall cause permanent and material interference with television or other communication signals.
- 12) Over-speed Controls. All Wind Energy System (Major) shall be equipped with both manual and automatic over-speed controls.
- 13) Fire Protection. All Wind Energy System (Major) shall have a defensible space for fire protection in accordance with the Millard County Wildland-Urban Interface Code.
- 14) Land Use Application. All Land Use Applications to establish a Wind Energy System (Major) shall, in addition to the Conditional Use Application materials required herein, provide the following information;
  - a) Elevations of the proposed site to scale showing the height, design and configuration of the Wind Energy System (Major) and distance to all existing structures, buildings, roads and streets, electrical lines, property and fence lines.
  - b) Engineering drawings of the proposed Wind Energy System (Major) identifying;
    - i) Tower design, including its weight-bearing capacity.
    - ii) Foundation and anchor design and soil conditions and specifications for the soil conditions at the site.
    - iii) Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the proposed Wind Energy System (Major) including the name and address of the manufacturer and model.
    - iv) Emergency and normal shutdown procedures.
    - v) Electrical drawings identifying all electrical components and in sufficient detail to establish that the installation conforms to all applicable electrical codes.

**Section 10-18-23—Wind Energy Systems (Minor):**

This Section provides the minimum standards for the placement, construction and modification of Wind Energy Systems (Minor), as defined herein, while promoting the safe, effective and efficient use of such systems.

- 1) Location. A Wind Energy System (Minor) may be authorized as provided by Appendix A, Table of Uses.
- 2) All Wind Energy Systems (Minor) shall be set back from the nearest property line, public road right-of-way, communication and electrical line not less than 1.5 times its total height.
- 3) No Wind Energy System (Minor) shall be established on any parcel or lot less than two (2) acres in size.
- 4) All Wind Energy Systems (Minor) shall be located so as to avoid creating any negative impacts or nuisance to any adjoining use or property, as evidenced by data, information, materials, and studies provided by the Applicant, and accepted and approved by the Land Use Authority.
- 5) Height. For parcels and lots of two (2) acres but less than five (5) acres, the total height shall not exceed seventy (70) feet. For properties of five (5) acres but less than twenty (20) acres, the total height shall not exceed one-hundred (100) feet. For properties of twenty (20) acres or larger, the total height shall not exceed one-hundred twenty (120) feet.
- 6) Design Standards. A Wind Energy System (Minor) shall demonstrate that any structures, location and siting will not result in shadow flicker, noise, or ice throw on an adjacent property or structure, including a finding that the Wind Energy System (Minor) can be approved complying with all requirements of this Section. In addition, the Land Use Authority shall consider the following when considering a Land Use Application for a Wind Energy System (Minor):
  - a) Monopole or Freestanding Design. All Wind Energy Systems (Minor) shall be of a monopole or freestanding design without guy wires.
  - b) Minimum Blade Height. The minimum height of the lowest extent of a turbine blade shall be thirty (30) feet above natural or finished grade and thirty (30) feet above any structure or obstacle within 100 feet of the tower.
- 7) Safety and Access.
  - a) No tower shall have any climbing apparatus within fifteen (15) feet of the ground. All access doors or access ways to towers and electrical equipment shall be locked at all times.



- b) Appropriate warning signage shall be placed on towers, electrical equipment and wind energy system entrances.
- 8) Noise. No Wind Energy System (Minor) shall exceed sixty decibels (60 dBA) measured at the property line or fifty decibels (50 dBA) measured at the nearest dwelling.
- 9) Visual Appearance.
- a) Wind Energy System (Minor) shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective.
  - b) No Wind Energy System (Minor) shall be lighted unless required by the Federal Aviation Administration (FAA).
  - c) No advertising signs of any kind shall be permitted.
  - d) Appropriate fencing and landscaping shall be provided to screen all accessory structures from roads and adjacent dwellings and public buildings.
  - e) All electrical connections and distribution lines shall be underground and comply with all applicable codes and public utility requirements.
- 10) No Wind Energy System (Residential) shall cause permanent and material interference with television or other communication signals.
- 11) All Wind Energy System (Minor) shall be equipped with both manual and automatic over-speed controls.
- 12) Fire Protection. All Wind Energy System (Minor) shall have a defensible space for fire protection in accordance with the Millard County Wildland-Urban Interface Code.
- 13) Land Use Application. All Land Use Applications to establish a Wind Energy System (Minor) shall, in addition to the Conditional Use Application materials, provide the following information;
- a) Elevations of the proposed site to scale showing the height, design and configuration of the Wind Energy System (Minor) and distance to all existing structures, buildings, roads and streets, electrical lines, property and fence lines.

- b) Engineering drawings of the proposed Wind Energy System (Minor) identifying;
  - i) Tower design, including its weight-bearing capacity.
  - ii) Foundation and anchor design and soil conditions and specifications for the soil conditions at the site.
  - iii) Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the proposed Wind Energy System (Minor) including the name and address of the manufacturer and model.
  - iv) Emergency and normal shutdown procedures.
  - v) Electrical drawings identifying all electrical components and in sufficient detail to establish that the installation conforms to all applicable electrical codes.
  - vi) Evidence that the electrical service provider has been notified of the intent to install an interconnected electricity generator, unless the system will not be connected to the electricity grid.

## **TITLE 10, CHAPTER 19 OFF-STREET PARKING AND LOADING STANDARDS**

### **Section 10-19-1—Purpose:**

The purpose of off-street parking requirements is to promote traffic safety, convenience and efficiency and to minimize hard surfaced areas to reduce storm water run-off and visual impacts while providing adequate parking sufficient to support the associated use or activity.

### **Section 10-19-2—General Provisions:**

- 1) Off-street parking spaces shall be provided, meeting the requirements of this Ordinance, for all new buildings, all additions, or enlargements to an existing building, the establishment of any new use, or the expansion of any existing use.
- 2) If an existing, legally established use or building is expanded by more than thirty percent (30%) of the existing site or gross floor area, all off-street parking spaces and areas shall comply with the requirements of this Ordinance, as applicable.
- 3) Required off-street parking spaces shall not be used for the repair of motor vehicles, or the display or sale of goods and services of any kind, unless authorized by a Land Use Application approval.
- 4) Oil separators and other pollution control devices may be required as part of Land Use Application approval, as may be required by a Land Use Authority, as applicable.
- 5) Off-street parking is prohibited in all access ways, fire lanes or similar areas not designated for parking purposes. These areas shall be posted with "No Parking" signs and/or other means as required.
- 6) No off-street parking area shall be used for the overnight occupancy of any vehicle including motor homes, campers, or trailers, unless authorized by a Land Use Application approval.

### **Section 10-19-3—Size of Off-Street Parking and Loading Spaces:**

- 1) The minimum dimension of all off-street parking spaces, other than parallel spaces, shall be ten (10) feet wide by eighteen (18) feet long. The minimum dimension of all parallel off-street parking spaces shall be nine (9) feet wide by twenty-five (25) feet long.

- 2) All required loading spaces shall have a minimum dimension as required by the Land Use Authority, depending on their location and the nature of the use.

**Section 10-19-4—Access Requirements:**

- 1) All ingress and egress locations from an adjacent road or street to any off-street parking areas, including curb cuts, drive approaches, or other accesses, shall be approved by the County or the Utah Department of Transportation, as applicable.
- 2) The location and dimension of all driveways shall be as approved by the Land Use Authority with use approval, as applicable.

**Section 10-19-5—Location of Required Off-Street Parking:**

All required off-street parking spaces shall be located on the same lot as the use or building it serves.

**Section 10-19-10—Maintenance of Parking Spaces and Areas:**

Every parcel of land used as a public or private off-street parking area shall be constructed and maintained in compliance with the following requirements:

- 1) Surfacing. All off-street parking areas shall be surfaced with a surface adequate in relation to its location and use. All parking areas shall be surfaced to provide a dustless surface. A storm water drainage system may be required to be provided, as determined necessary by the Land Use Authority.
- 2) Traffic control signs and/or striping shall be provided, as adopted by the County and required by the Land Use Authority necessary to minimize any vehicular and pedestrian conflicts.

**Section 10-19-11—Number of Required Off-Street Parking Spaces:**

The number of required off-street parking spaces shall be provided as required by the Table 19-1, Minimum Off-Street Parking Requirements, and complying with the following:

- 1) Fractional Amount. In calculating the total number of required off street parking spaces, fractional amounts shall be rounded to the nearest whole number.

- 2) Unspecified Uses. The Land Use Authority shall determine the off-street parking requirements for any use not specifically listed in Table 10-19-1, but identified as an allowed use in the Tables of Uses.

**Table 10-19-1**  
**MINIMUM OFF-STREET PARKING REQUIREMENTS**

USE	MINIMUM OFF-STREET PARKING STANDARD
Accessory Building/Structure Accessory Outside Storage Accessory Use Agricultural Building Agricultural Use Beer and Liquor License(s) Cemetery Child Care - Licensed Family Child Care - Residential Certificate Earth Station Electric Substation (Major) Electric Substation (Minor) Electric Transmission Right-of-Way (Major) Electric Transmission Right-of-Way (Minor) Gas Pipeline Right-of-Way (Major) Gas Pipeline Right-of-Way (Minor) Home Occupation (Major) Home Occupation (Minor) Kennel (Non-commercial) Kennel (Hobby) Meteorological Station Petroleum Pipeline Right-of-Way (Major) Petroleum Pipeline Right-of-Way (Minor) Wind Energy System (Major) Wind Energy System (Minor) Wireless Telecommunications Site/Facility	No Requirement

USE	MINIMUM OFF-STREET PARKING STANDARD
Accessory Dwelling Unit for a Relative or Employee Dwelling Unit, Manufactured Home Dwelling Unit, Mobile Home (Existing) Dwelling Unit, Single-Family Dwelling Unit, Single-Family (Existing) Temporary Construction Office Temporary Dwelling Unit	Two (2) spaces.

USE	MINIMUM OFF-STREET PARKING STANDARD
<p> Accessory Agricultural Sales  Agricultural Products Processing and Storage  Airport/Heliport  Animal Feeding Operation  Automotive Care  Automotive Self-Service Station  Child Care – Home Day Care  Commercial Plant Nursery  Composting Facility  Concentrated Animal Feeding Operation  Contractor’s Office/Contractor’s Storage Yard  Correctional Facility  Educational Facility  Electrical Generating Facility  Kennel (Commercial)  Livestock Auction Facility  Natural or Manufactured Gas Storage  Public Use  Public Utility  Recreation (Outdoor)  Recycling Center  Seasonal Use  Special Event  Special Use  Storage – Hazardous Materials  Storage – Mini Storage  Storage – Open/Outdoor Storage  Storage – Wholesale and Warehousing  Swimming Pool  Temporary Use  Tennis Court/Sports Court  Vehicle and Equipment Rental or Sale, New or Used </p>	<p>As approved by the Land Use Authority with Land Use Application approval, dependent on the type, size, location, accessory uses, and nature of the use or facility.</p>
<p> Child Care – Hourly  Construction and Contractor’s Sales and Services  Retail Store  Vehicle and Equipment Service and Repair </p>	<p>One (1) parking space for each four hundred (400) square feet of gross floor area.</p>



USE	MINIMUM OFF-STREET PARKING STANDARD
Bed and Breakfast Inn	One (1) parking space for each guest room in addition to the requirements of the owner's dwelling unit.
Campground	One (1) space for each campsite or RV space.
Car Wash	Two (2) stacking spaces per each wash bay, excluding any spaces located in the wash bay.
Church	One (1) parking space for each three (3) persons, based on the maximum anticipated capacity of all facilities capable of simultaneous use as determined by the Land Use Authority.
Child Care – Facility Commercial Day Care/Preschool Center	One (1) parking space for each staff member plus one (1) space for each ten (10) students.
Veterinary Clinic	One (1) space for each person employed during regular working hours plus one (1) space for each one thousand two hundred (1,200) square feet of gross plant display area.
Convenience Store (Existing and New) Sexually Oriented Business or Activity	One (1) space for each three hundred (300) square feet of gross floor area plus two (2) spaces per each gasoline pump provided.
Guest Ranch Hotel Motel Resort	One (1) space for each sleeping unit plus one (1) space for each employee on the night shift.
Liquor Store (State Owned)	One (1) space for each three hundred (300) square feet of gross floor area.

USE	MINIMUM OFF-STREET PARKING STANDARD
Asphalt Batch Plant Concrete Batch Plant Distribution Center Forestry/Forest Practice Industrial/Manufacturing Activity (General) Industrial/Manufacturing Activity (Light) Landfill Meat or Poultry Processing Facility Mining (Subsurface) Mining (Surface) Salvage Yard	One (1) space for each employee on the regular shift, plus one (1) space for each vehicle used in association with the use.
Mortuary, Funeral Home	One (1) parking space for each four (4) fixed seats in the assembly area, plus one (1) for each funeral vehicle.
Nursing Home (Convalescent Care) Facility	One (1) parking space for each two (2) patient beds.
Residential Facility for Elderly Persons Residential Facility for Persons with a Disability Residential Facilities for Persons with a Disability that are Substance Abuse Facilities and are Located within Five Hundred (500) Feet of a School Therapeutic School	Two (2) spaces plus one (1) for each two (2) employees during regular hours.
Restaurant	One (1) space for each four (4) seats or one (1) space for each one hundred (100) square feet of gross floor area, whichever is less.

#### **Section 10-19-12—Disabled Persons Parking:**

Designated parking for persons with a disability shall be provided for all uses, meeting the requirements and specifications of the Americans with Disabilities Act.

#### **Section 10-19-13—Reduction of Off-Street Parking Requirements:**

Requests to reduce off-street parking requirement(s) may be granted by the Land Use Authority if the Applicant shows, by the presentation of information and materials, that a reduced number of off-street parking spaces will meet the demands of the proposed use without increasing traffic or on-street parking problems in adjacent areas.

**Section 10-19-14—Off-Street Loading Requirements:**

Every building or use receiving or distributing materials or merchandise by truck shall provide and maintain on the same lot as the building or use the number of required off-street loading spaces as required by the Table 10-19-2, Minimum Off-Street Loading Requirements. No loading space(s) shall be considered as meeting any off-street parking requirements of this Chapter.

**Table 10-19-2  
MINIMUM OFF-STREET LOADING REQUIREMENTS**

<b>TOTAL GROSS FLOOR AREA OF BUILDING</b>	<b>MINIMUM NUMBER OF LOADING SPACES REQUIRED</b>
Less than 30,000 square feet	1
30,000 square feet and Greater	2

**Section 10-19-15—Location of Loading Spaces:**

No off-street loading space shall be permitted in any front yard. All loading spaces shall be screened from view from any road or street. The location of all loading areas shall not interfere with off-street parking area circulation patterns.

**Section 10-19-16—Size of Loading Spaces:**

All required off-street loading spaces shall have a minimum dimension as approved by the Land Use Authority.

**TITLE, CHAPTER 20**  
**SENSITIVE LANDS OVERLAY DISTRICT (SL)**

**Section 10-20-1—Purpose:**

The purposes of the Sensitive Lands Overlay District (SL) are to:

- 1) Protect and preserve the sensitive lands areas of the County, as defined by this Chapter and this Ordinance.
- 2) Protect the health, welfare, and safety of all residents and minimize any risks to life and property.
- 3) Minimize the potential for demands on the fiscal resources of the County to mitigate and correct any risks to the health, welfare, and safety of the public, property owners, individuals, public infrastructure, facilities, and services, and private investment.
- 4) Preserve, as practical, the natural setting of the County to maintain and strengthen private property values, protect and enhance the County's economy, and protect the quality of life and amenities of existing and future residents.
- 5) Guide and require responsible land use and development for those lands identified to have development limitations due to natural sensitivities and constraints.
- 6) Require that all development and construction located on sensitive lands areas recognize the natural features and topography of the site, thereby reducing site impacts.

**Section 10-20-2—Sensitive Lands Defined:**

For the purposes of this Chapter, and this Ordinance, the following lands are hereby determined and identified to be "Sensitive Lands," and subject to the requirements of this Chapter and this Ordinance:

- 1) All areas identified to be subject to a 100-year flood event, including the boundaries of all natural drainage ways and 100-year floodplains.
- 2) All areas of wetlands, as identified, or as may be identified by the U.S. Army Corps of Engineers.

- 3) All areas where the increase or decrease in the elevation of the natural grade is equal to or greater than fifteen percent (15%), (fifteen [15] feet of grade change for every one hundred [100] feet of horizontal run for a minimum distance of one hundred [100] feet.)
- 4) Areas of known geologic hazard, as identified, or as may be identified by a state, or federal agency with authority.

**Section 10-20-3—Sensitive Lands Determination Required with Application:**

A Sensitive Lands Determination, complying with this Section, shall be required to accompany any Land Use Application required by this Ordinance when:

- 1) The property, or any part thereof, that is the subject of the Application, is identified as being located, wholly or in part, within a sensitive land area, as defined by Section 10-20-2.
- 2) The BOCC, Commission, or County Planner/Zoning Administrator has information or knowledge that indicates the possibility that sensitive lands may exist.

**Section 10-20-4—Sensitive Lands Determination Requirements:**

When required by Section 10-20-2 and Section 10-20-3 a Sensitive Lands Determination shall comply with the following:

- 1) Be performed by qualified professionals with the necessary licensure, certification, or expertise required to identify and delineate all sensitive lands areas occurring on the proposed development site.
- 2) Be based on an accurate survey of the subject property.
- 3) Include necessary text and map materials sufficient to clearly identify and delineate the following site features and conditions, as may be applicable to the site:
  - a) The area and boundaries of all areas subject to flooding, including the boundaries of all natural drainage ways and 100-year floodplains, including a map identifying the base and 100-year floodplain elevations.
  - b) The area and boundaries of all wetlands, as identified by the U.S. Army Corps of Engineers, or a wetlands delineator, as certified by the U.S. Army Corps of Engineers.

- c) A slope analysis, using a contour interval of five (5) feet, and clearly identifying all area(s) and boundaries where the increase or decrease in the elevation of the natural grade of the subject property is equal to, or greater than fifteen percent (15%), (fifteen [15] feet of grade change for every one hundred [100] feet of horizontal run for a minimum distance of one hundred [100] feet.)
- d) Areas of known geologic hazard, as identified, or as identified by a state or federal agency with authority.

**Section 10-20-5—All Approvals, Licenses, and Permits to Comply:**

All approvals, licenses, and permits issued for any use and/or construction on any sensitive lands are required to recognize any requirements of the Land Use Authority, as applicable.

**Section 10-20-6—Application Requirements:**

In addition to the other requirements of the County's Land Use Ordinances, the following information and materials are required when Land Use Applications propose the location of a use or subdivision on any sensitive land area.

- 1) Ten (10) copies of a site plan or subdivision layout plan, drawn at a scale of 1 inch = 20 feet, or as required by the County Planner/Zoning Administrator, prepared by a licensed engineer, plus ten (10) copies of a 11 inch x 17 inch reduced copy of the site plan identifying the following;
  - a) For Use Applications, the location and dimension of the property and all proposed uses and buildings, and existing buildings or other structures located on the property, and existing buildings and structures located within one hundred (100) feet of the property. Existing property lines and existing fence lines shall be shown. For Subdivision Applications, the location and dimension of the property and all proposed lots, roads, and other rights-of-way shall be shown. Existing property lines and existing fence lines shall be shown.
  - b) A description of all proposed uses and buildings, including the total site area and building square footage, by building.
  - c) The location and dimension of all sensitive lands areas, as defined herein.
  - d) The proposed setbacks and exterior dimensions of all proposed buildings and structures.

- e) The location of all roads adjacent to the site, or proposed to serve the site, and including a list of any permits required by the County or the Utah Department of Transportation, as applicable.
  - f) The location and dimension of all proposed ingress and egress points, off-street parking, and loading areas, including the total number of parking and loading spaces.
  - g) All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.
  - h) The location of all areas subject to the provisions of the Utah Wildland Urban Interface Code.
- 2) Site Photographs. Photographs of the site looking out from the property in all directions and of the property from several different viewpoints.
  - 3) Grading and Drainage Plan(s). A Detailed Grading and Drainage Plan shall be provided, prepared by a registered engineer or geologist, identifying the existing topography, and the proposed finished grade of the site, shown at a maximum contour interval of five (5) feet, or as required by the Zoning Administrator. All areas of excavation and fill, slopes of cut and fill, total cubic yards of excavation and fill, methods of concealment for each exposed cut and fill, and calculations identifying the limits and amount of disturbance for the total site shall be shown. This plan shall show the original drainage pattern (natural course) and proposed changes, if any. If any structures or culverts are involved, it will be necessary to include an estimate of peak flows for a one hundred (100) year storm event to establish drainage facility cross sections.
  - 4) Erosion Control Plan(s). Information and plans identifying proposed temporary and permanent erosion control measures.
  - 5) Construction Plans. A narrative identifying the phases of all construction, a construction schedule, and a list of all permits necessary for the proposed uses, as applicable.

#### **Section 10-20-7—Sensitive Lands Protection Regulations – Streams and Floodplains:**

The following requirements and standards are provided to promote, preserve, and enhance stream corridors and all areas subject to flooding and to protect private and public property from damage due to flooding. Unless modified by this Section, all development standards of the zoning district in which the property is located shall apply.

- 1) Prohibited Activities. No person shall disturb, remove, fill, dredge, clear, destroy or alter any stream corridor, except as may be expressly allowed by a valid stream channel alteration permit, as issued by the State of Utah Department of Natural Resources.
- 2) Required Setbacks. Setbacks for any building, structure or improvement located within or adjacent to a stream corridor shall comply with the more restrictive setback requirements of the zoning district or the requirements of the State of Utah Department of Natural Resources.
- 3) Runoff Controls. All construction and development projects located adjacent to a stream corridor shall apply Best Practices for both temporary and permanent runoff controls to minimize sediment and other contaminants, as may be required by a state or federal agency with jurisdiction.
- 4) Management Recommendations. The Board of County Commissioners or the Planning Commission may request recommendations from any state, or federal agencies, or other professionals, prior to deciding a Land Use Application for any required approval, permit, or license.

**Section 10-20-8—Sensitive Lands Protection Regulations – Wetlands:**

The following requirements and standards are provided to promote, preserve, and enhance wetland areas and to protect them from potentially irreversible impacts. Unless modified by this Section, all development standards of the zoning district in which the property is located shall apply.

- 1) Prohibited Activities. No person shall disturb, remove, fill, dredge, clear, destroy or alter any wetland, except as may be expressly allowed by a valid and necessary permit, as issued by the U.S. Army Corps of Engineers.
- 2) Required Setbacks. Setbacks for any building, structure or improvement located within or adjacent to a wetland, as identified by the U.S. Army Corps of Engineers, shall comply with the more restrictive setback requirements of the zoning district in which it is located, or the U.S. Army Corps of Engineers, as applicable.
- 3) Runoff Controls. All construction and development projects located adjacent to a wetland shall apply Best Practices for both temporary and permanent runoff controls to minimize sediment and other contaminants, as may be required by U.S. Army Corps of Engineers.



- 4) Management Recommendations. The Board of County Commissioners or the Planning Commission may request recommendations from any state, or federal agencies, or other professionals, prior to deciding a Land Use Application for any required approval, permit, or license.

**Section 10-20-9—Sensitive Lands Protection Regulations – Slopes:**

The following requirements and standards are provided to achieve the purposes of this Ordinance, to avoid unnecessary excavation and grading, to preserve naturally occurring landscape features, and to protect the visual quality, character, and amenities of the County. Unless modified by this Section, all development standards of the zoning district in which the property is located shall apply to all areas determined to be have a slope equal to, or greater, than fifteen percent (15%), (fifteen [15] feet of grade change for every one hundred [100] feet of horizontal run for a minimum distance of one hundred [100] feet.)

- 1) Road Alignment. All road alignments shall parallel contours of the natural terrain, as practicable. Short sections of roadways that run perpendicular to contours should follow natural drainage ways, where possible, and should be curved and contoured to minimize any adverse impact.
- 2) Maximum Road Grade. The maximum grade of any road located in areas determined to be have a slope equal to, or greater than fifteen percent (15%), shall be eight percent (8%), provided all cut and fill slopes are minimized and revegetated, as required by the Land Use Authority, with approval.
- 3) Maximum Limits of Disturbance Area. The maximum area of any lot or parcel that may be disturbed shall be limited as determined by the average slope of the lot or parcel, as provided by Table 1 herein. The maximum limits of disturbance area shall be identified on each lot or parcel and shall include all graded, excavated, filled, or otherwise disturbed areas, the area occupied by the primary building, all accessory building areas, areas of hard-surfacing, including driveways, walkways, patios, off-street parking areas.

**Table 10-20-1**  
**Maximum Lot or Parcel Limits of Disturbance**

Average Lot or Parcel Slope	Maximum Limits of Disturbance Area
Less than 15%	As provided and required by the Zoning District in which the lot or parcel is located
15% to less than 20%	20%
20% or greater	10%

For the purposes of this Ordinance, the Average Slope of a Lot or Parcel shall be determined as follows;

$$AS = 100(CI \times CL)/A$$

Where;

AS = Average Slope

CI = Contour Interval in Feet, at not more than five (5) foot intervals

CL = Sum of the Length of all the Contour Lines across the Lot or Parcel, in Feet

A = Total Area of the Lot or Parcel, in Square Feet

- 4) Areas of Cut and Fill Slope. All proposed areas of cut and fill shall meet the following requirements:
  - a) All cut and fill areas shall be minimized as much as practicable.
  - b) All cut and fill areas shall be located within, and included in the maximum limits of disturbance area for each lot.
  - c) All cut and fill areas shall be re-contoured to the natural, varied contour of surrounding terrain.
  - d) All areas of cut and fill shall be temporarily planted or otherwise protected from erosion during the period of construction and shall be permanently planted or

otherwise protected from erosion within thirty (30) days after the completion of all grading or excavation.

- 5) Management Recommendations. The Board of County Commissioners or the Planning Commission may request recommendations from any state or federal agencies, or other professionals, prior to deciding a Land Use Application for any required approval, permit, or license.

#### **Section 10-20-10—Sensitive Lands Protection Regulations – Geologic Hazards:**

The following requirements and standards are provided to protect the public health, welfare, and safety from naturally occurring geologic hazards. Unless modified by this Section all development standards of the zoning district in which the property is located shall apply.

- 1) Management Recommendations. The Board of County Commissioners or the Planning Commission may request recommendations from a professional geologist or geotechnical engineer, or other professionals, prior to deciding an Application for any required approval, permit, or license in any areas of known geologic hazard, as may be identified by a state, or federal agency with authority.

#### **Section 10-20-11—Building Code Requirements:**

All provisions of the Building Code, as adopted, and as applicable shall apply to all construction occurring on any Sensitive Lands, as defined herein. The Building Code, as adopted, is incorporated herein by this reference.

#### **Section 10-20-12—County Road Construction Standards to Apply:**

No provision of this Ordinance shall be interpreted to exempt any Sensitive Lands from the requirements of the County's Road Design and Construction Standards, except as may be modified by Section 10-20-9 herein.

#### **Section 10-20-13—Reasonable Use of Property:**

If an applicant for any approval, permit, or license, required by this Ordinance, demonstrates that Application of the requirements of this Chapter would deny all reasonable use of the subject property, the Board of County Commissioners, following the receipt of a recommendation from the Planning Commission, may modify the Application of these requirements to the extent necessary to provide a reasonable use of the subject property.

**TITLE, CHAPTER 21  
AIRPORT OVERLAY DISTRICT (AO)**

**Section 10-21-1—Purpose:**

The purpose of the Airport Overlay district (AO) is to protect the health, welfare and safety, to avoid danger by lessening the chance of aircraft accidents, and to maintain land use compatibility in the areas influenced by airport operations. These purposes can be achieved by;

- 1) Minimizing exposure of residential and other sensitive land uses to aircraft over flight.
- 2) Avoiding dangers in aircraft over flight areas.
- 3) Allowing compatible land use within the area.

**Section 10-21-2—Applicability:**

- 1) This Chapter shall apply to all lands identified within the adopted Airport Plan of a publicly operated airport, and located within the County.
- 2) All Land Use Applications, affected by this Chapter, shall be reviewed and approved or denied as provided by this Ordinance, and this Chapter.
- 3) The boundaries of all Airport Influence Areas and other Areas shall be as identified on the adopted Airport Plan, and as provided to the County by the owner, and/or operator of the airport as required by Section 10-21-3(1).

**Section 10-21-3—Airport Owner and/or Operator Responsibility – Adopted Airport Plan:**

- 1) It shall be the responsibility of the airport owner and/or operator to provide to the County Planner/Zoning Administrator with the most current adopted Airport Plan.
- 2) Failure of the airport owner and/or operator to provide the County Planner/Zoning Administrator with the most current adopted Airport Plan creates no obligation for the County Land Use Authority, as applicable, to apply the provisions of this Chapter.
- 3) Understanding Section 10-21-3(2) above, the County Land Use may apply the provisions of this Chapter when the Land Use Authority finds it is in the best interests of the County, and its residents, to do so.

**Section 10-21-4—Airport Influence Areas and other Areas:**

- 1) The Airport Plan for a publicly operated airport located within the County, and as adopted by the owner, and/or operator, may include airport influence zones, and other areas, as provided for by the Federal Aviation Administration (“FAA”). Such zones may include; (1) Runway Protection Zone; (2) Object Free Area; (3) Runway Safety Area; (4) Primary Surface; (5) Approach Surface; (6) Transitional Surfaces; (7) Horizontal and Conical Surfaces; and (8) Critical Zones.
- 2) The definition of airport influence zones, and other areas, shall be as contained in the adopted Airport Plan. In the event the adopted Airport Plan does not provide a definition, the definition as provided by the FAA shall apply.

**Section 10-21-5—Notice Required:**

If the owner and/or operator of a publicly operated airport provides the adopted Airport Plan to the County Planner/Zoning Administrator, as required by Section 10-21-3, the County Planner/Zoning Administrator shall provide notice to the owner and/or operator, complying with the notice the requirements of Chapter 10 – Notice Requirements, when a Land Use Application, affected by this Chapter, is first presented to the County Land Use Authority for review and decision.

**Section 10-21-6—Reasonable Requirements and Conditions Authorized:**

- 1) The Land Use Authority, as applicable, in reviewing an Application, shall consider the Adopted Airport Plan, and its associated airport influence zones, and other areas. The Land Use Authority shall consider information provided by the FAA and owner and/or operator of the airport. In considering an Application the Land Use Authority, as applicable, no use or structure shall be authorized that:
  - a) Creates electrical interference with navigational signals or radio communication between the airport and aircraft.
  - b) Makes it difficult for pilots to distinguish between airport lights and other lighting.
  - c) Result in glare in the eyes of pilots using the airport.
  - d) Impair visibility in the vicinity of the airport; or
  - e) Otherwise creates a hazard or endangers the landing, takeoff, or maneuvering of aircraft

intending to use the airport.

- 2) In reviewing an Application, the Land Use Authority, as applicable, may impose reasonable requirements and conditions designed to achieve the purposes of this Chapter and this Section. Such reasonable requirements and conditions may include, but are not limited to;
  - a) Uses.
  - b) The location of all buildings and structures.
  - c) Building or structure height.
  - d) Building materials.
  - e) Building and site lighting.
  - f) Signage.
  - g) Site and building access.
  - h) Fencing.
  - i) Location of all utilities and associated facilities including water, sewer, power, gas, and telephone.
  - j) Requiring Fair Disclosure Statements and/or Avigation Easements.

**Section 10-21-7—Warning and Disclaimer of Liability:**

This Chapter is considered reasonable to achieve the purposes of this Chapter. This Chapter does not create a liability on the part of or a cause of action against the County, or any officer or employee of the County for any damages that may result directly or indirectly from reliance on this Chapter.

## **TITLE 10, CHAPTER 22 DEVELOPMENT AGREEMENTS**

### **Section 10-22-1—Purpose:**

This Chapter establishes the procedures and standards by which the County may consider and approve Development Agreements. A Development Agreement adopted and executed by the BOCC and the Applicant pursuant to this Chapter may:

- 1) Provide additional specificity of the applicable land use requirements and regulations for the subject property by providing a development plan, additional requirements and standards, and other provisions related to the development of the subject property.
- 2) Extend and provide for additional enforcement actions not provided by the County's Land Use Ordinances, as may be agreed to by the BOCC and the Owner.
- 3) Provide for the provision and installation of various public infrastructure and services.
- 4) Specify the uses and development standards applicable to the subject property.
- 5) Include other lawful requirements, terms and considerations of the County and the Property Owner
- 6) Include requirements identified by the BOCC necessary to advance the interests of the County and other provisions and requirements to protect the public health, welfare and safety of the County, and its residents.

### **Section 10-22-2—Scope:**

These provisions and requirements of this Chapter shall apply to all property located within the unincorporated area of the County.

### **Section 10-22-3—Development Agreement Requirements:**

All Development Agreements shall, as a minimum, comply with the following requirements:

- 1) Be in writing.

- 2) Provide an adequate legal description of the subject property and the names of all legal and equitable owners.
- 3) The duration of the Development Agreement;
- 4) Identify the uses allowed and the procedures required for the approval of all identified uses.
- 5) Identify applicable development standards, including the timing and financial obligations associated with the provision of necessary public infrastructure and services.
- 6) A description of any reservation or dedication of lands for public purposes.
- 7) A description of any conditions, terms, restrictions, or other requirements determined to be necessary to promote the public health, safety, or welfare or the purposes of the Development Agreement.

**Section 10-22-4—Development Agreement Procedures:**

- 1) Consideration of a proposed Development Agreement by the Commission and BOCC shall be considered an administrative matter.
- 2) The Commission in formulating a recommendation, and the BOCC in determining a final decision, shall find that substantial evidence has been presented related to the Development Agreement.
- 3) At a regular public meeting the Commission shall consider the proposed Development Agreement, and all other materials and information presented and shall make a recommendation to the BOCC.
- 4) At a regular public meeting the BOCC shall consider the Commission's recommendation, and all other materials and materials presented and shall approve or deny the proposed Development Agreement, with or without requirements and conditions and with necessary findings. If approved, the BOCC Chair and Property Owner shall sign the Development Agreement, as approved by the BOCC.
- 5) Within fourteen (14) days of BOCC approval the Development Agreement shall be executed and signed by the BOCC Chair and Property Owner(s). The executed Development Agreement shall be recorded in the Office of the Millard County Recorder,



which recorded Development Agreement constituting the official document of the County.

**Section 10-22-5—Development Agreement Review:**

In reviewing a proposed Development Agreement the Commission and BOCC may consider, but shall not be limited to, the following:

- 1) Public impacts and benefits.
- 2) Adequacy in the provision of all necessary public infrastructure and services.
- 3) Appropriateness and adequacy of environmental protection measures; and
- 4) Protection and enhancements of the public health, welfare, and safety above that provided by the existing Land Use Ordinances.

**Section 10-22-6—Effect of Approval:**

- 1) The County's Land Use Ordinances shall govern a Development Agreement for the duration of the Development Agreement, supplemented and modified only to the extent expressly provided for by the Development Agreement
- 2) The BOCC may adopt laws and policies applicable to the subject property if the BOCC has complied with the required processes and determined:
  - a) Such laws and policies are essential to the public health, safety, or welfare; or
  - b) Federal and/or State laws are applicable and preclude full compliance by the County or Property Owner. A Development Agreement, subject to subsequent Federal and/or State laws shall be modified as necessary to comply with the applicable Federal or State laws.

**Section 10-22-7—Binding Nature of Development Agreements:**

All Development Agreements shall be binding on the County and the Property Owner and on all successors and assigns for the term of the Agreement.

**Section 10-22-8—Expenses:**

The County may require the Applicant to reimburse the County for all of the County's expenses related to preparation of a Development Agreement.

**Section 10-22-9—Enforcement:**

- 1) All Development Agreements shall provide specific enforcement mechanisms to ensure compliance.
- 2) The County may utilize all available enforcement mechanisms necessary to achieve compliance with this Ordinance and any Development Agreement including the withholding of necessary land use approvals and permits.

## **TITLE 10, CHAPTER 23 ENFORCEMENT**

### **Section 10-23-1—Purpose:**

This Chapter establishes procedures, remedies, and penalties for violations of the County's Land Use Ordinances, including this Ordinance, and to provide for enforcement.

- 1) The County, or any adversely affected owner of real estate within the County, in which violations of this Ordinance occur, or are about to occur may, in addition to other remedies provided by law, institute:
  - a) Injunctions, Mandamus, Abatement, or any other appropriate actions; or
  - b) Proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
- 2) The County need only establish the violation to obtain the injunction.

### **Section 10-23-2—Violations and Building Permits:**

- 1) The County may enforce this Ordinance, or other County Land Use Ordinances, by withholding building permits.
- 2) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the County without the necessary Land Use Application approval, license or permit, and the issuance of a valid building permit, as applicable.
- 3) The County shall not issue a building permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform and comply with all Land Use Ordinances, including this Ordinance, and the Building Codes, as adopted.

### **Section 10-23-3—Types of Violations:**

- 1) It shall be unlawful for any person to violate any provision of this Ordinance, cause the violation of any provision of this Ordinance, or fail or refuse to do some act required under this Ordinance, including:
  - a) To engage in any development, use, construction, remodeling, or other activity of any nature upon the land and improvements without required Land Use Application approvals.

- b) To engage in any development, use, construction, remodeling, or other activity that is contrary to the terms and conditions of any Land Use Application approval.
- c) To violate, by act or omission, any lawful requirement or condition imposed by the Land Use Authority, as applicable, upon a required Land Use Application approval.
- d) To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building or structure, or to use any land in violation of this Ordinance, the Building Codes, or other County Land Use Ordinances, as applicable.
- e) To reduce or diminish any lot or parcel area so that minimum area, setbacks or open spaces shall be smaller than prescribed by this Ordinance, or other County Land Use Ordinances, or required for Land Use Application approval or Subdivision Application approval.
- f) To increase the density or intensity of use of any land or structure without the necessary Land Use Application approval.
- g) To remove, deface, obscure, or otherwise interfere with any notice required by this Ordinance, or other County Land Use Ordinances.

**Section 10-23-4—Continuing Violation:**

Each day a violation of this Ordinance occurs, it shall constitute a separate offense.

**Section 10-23-5—Legal Nonconformity an Affirmative Defense:**

It shall be an affirmative defense to the enforcement of this Ordinance that the violation being enforced exists as a legal nonconforming use, legal noncomplying structure or other legal nonconformity of this Ordinance.

**Section 10-23-6—Revocation of Land Use Application Approvals:**

- 1) A Land Use Authority may revoke a Land Use Application approval if it is determined that the Application was based on inaccurate, misleading, or incomplete information provided by the Applicant.

- 2) The Land Use Authority may revoke an approved Land Use Application if any of the requirements, terms or conditions of approval is not met, or if the permit is used to violate any law or Ordinance.

**Section 10-23-7—Procedures for Revocation or Modification of a Land Use Application Approval:**

The County Planner/Zoning Administrator or County Clerk shall notify the Applicant by certified mail of any Land Use Application approval violation. If no attempt to correct the violation is made within ten (10) calendar days after notification, the Land Use Application may be revoked by the Land Use Authority and considered null and void. The Land Use Authority may revoke an approved Land Use Application, if the Land Use Authority finds that one or more of the following exist:

- 1) The Land Use Application approval was obtained in a fraudulent manner.
- 2) One or more of the requirements, terms or conditions of the Land Use Application approval has not been met.

A Land Use Authority may modify the requirements, terms, or conditions of a Land Use Application approval if the Land Use Authority finds that the use is creating a nuisance.

**Section 10-23-8—Stop Work:**

In accordance with its power to stop work under the Building Code, as adopted, the Building Official may issue a stop work order, with or without revoking permits, on any building or structure on land where there exists an uncorrected violation of the Building Code.

**Section 10-23-9—Penalties for Violations:**

A violation of any of the provisions of this Ordinance is punishable as a Class C misdemeanor upon conviction either:

- 1) As a Class C misdemeanor; or
- 2) By imposing the appropriate civil penalty.

**Section 10-23-10—Civil Penalties:**

The BOCC hereby establishes civil penalties for violations of any of the provisions of this Ordinance as follows:

- 1) Twenty-five dollars (\$25.00) per day for the first violation.
- 2) Fifty dollars (\$50.00) per day for the second and further violations.
- 3) Each day a violation occurs shall be considered a separate violation.

**Section 10-23-11—Appeal:**

Any person aggrieved by an enforcement decision of a Land Use Authority may appeal the decision to the Appeal Authority, as identified by Chapter 14 herein.

## **TITLE 10, CHAPTER 24 CONSTITUTIONAL TAKINGS**

### **Section 10-24-1—Purpose:**

- 1) The policies of the County, favor the careful consideration of matters involving constitutional taking claims, in fairness to the owner of private property bringing the claim, and in view of the uncertainty and expense involved in defending such issues. At the same time, the legitimate role of the County in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property, consistent with the Constitution. Consistent with these policies, this Chapter establishes a procedure for the review of actions that may involve the issue of constitutional takings, as well as providing guidelines for such considerations. This chapter is intended and shall be construed to objectively and fairly review claims that a specific County action should require payment of just compensation, while preserving the ability of the County to lawfully regulate real property and fulfill its obligations, duties and functions.
- 2) This Chapter, and Chapter 13, Administrative Manual, identifies and provides the standards and procedures for the review of all Constitutional Takings Review Applications.

### **Section 10-24-2—Guidelines Advisory:**

The guidelines adopted and decisions rendered pursuant to this Chapter are advisory only, and shall not be construed to expand or limit the scope of the County's liability for a constitutional taking.

### **Section 10-24-3—Review of Takings Application Required:**

Any owner of private real property who claims there has been a constitutional taking of private real property by an action of the County shall request a review of a final decision by filing a Constitutional Takings Review Application, containing all the information required.

### **Section 10-24-4—Results of Review:**

After completing the review, the BOCC, or designee, shall make a determination regarding the issues and where determined to be necessary and appropriate, shall make a recommendation to the Land Use Authority that made the decision that gave rise to the constitutional takings claim.

## APPENDIX A

### TABLE OF USES AND ACCOMPANYING USE DEFINITIONS

- 1) The Millard County Table of Uses identifies the uses allowed within each Zoning District and provides a definition for each use. The Table of Uses identifies uses allowed as a P-1 = Permitted Use; P-2 = Permitted Use; C-1 = Conditional Use; C-2 Conditional Use; X = Use Prohibited in the Zoning District (Zone). A Use that is not identified in the Table of Uses is determined to be a Prohibited Use in Millard County. See Section 10-17-8.
- 2) The Land Use Authority for all P-1 Uses is the County Planner/Zoning Administrator. The Land Use Authority for all P-2 Uses is the Commission. The Land Use Authority for all C-1 Uses is the Commission. The Land Use Authority for all C-2 Uses is the BOCC.
- 3) The Land Use Authority, as applicable, shall insure that all requirements of this Ordinance are met, particularly Chapter 17 and Chapter 18, as applicable, with all Land Use Application and Permit approvals.
- 4) The Land Use Authority, as applicable, in reviewing a Land Use Application shall determine if the requirements of Chapter 20 and Chapter 21 are applicable.
- 5) Superscripts refer the Notes, provided immediately following the Table.

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
<b>Accessory Building/Structure.</b> A building or other customarily incidental and clearly subordinate to the existing primary building and located on the same lot as the primary building, and meeting all requirements of the adopted Building Codes, and Land Use Ordinances, as applicable. See Section 10-18-6.	P-1	P-1	P-1	P-1	P-1	X	P-1	P-1	P-1



USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
<b>Accessory Agricultural Sales.</b> The retail or wholesale sale of agricultural or horticultural products which are grown or raised on site not having been purchased from another location for the purpose of resale.	P-1	P-1	P-1	P-1	X	X	X	X	X
<b>Accessory Dwelling Unit for a Relative or Employee.</b> An attached, or detached dwelling unit for the occupancy by the owner, or a relative or employee of the owner, and incidental and clearly subordinate to the existing primary building located on the same lot as the primary building and connected to the same utilities and utility meters as the primary building and meeting all requirements of the Land Use Ordinances and Building Codes, as adopted. See Section 10-18-9.	C-1	C-1	C-1	C-1	X	X	C-1	C-1	C-1
<b>Accessory Outside Storage.</b> The outside placement of items which is clearly incidental and subordinate to the existing primary use and customarily found in connection with the primary use and located on the same lot or in the same building as the primary use, and meeting all requirements of the adopted Building Codes, and Land Use Ordinances, as applicable.	P-1	P-1	P-1	P-1	P-2	X	P-2	P-1	P-1
<b>Accessory Use.</b> A use clearly incidental and subordinate to the existing primary use and customarily found in connection with the primary use and located on the same lot or in the same building as the primary use, and meeting all requirements of the adopted Building Codes, and Land Use Ordinances, as applicable. See Section 10-18-6.	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1
<b>Agricultural Building.</b> A structure used in conjunction with an allowed agriculture use, as defined herein, and not for human occupancy, and	P-1	P-1	P-1	P-1	P-1	X	X	X	X

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
complying with the requirements of §58-56-4, Utah Code Annotated, 1953, as amended. To qualify as an agricultural building the structure must meet all requirements of §58-56-4(1), Utah Code Annotated, 1953, as amended and be clearly associated with and necessary to support an agricultural use.									
<b>Agricultural Products Processing.</b> The processing of agricultural products including but not limited to the processing, cleaning, sorting, grading, packaging, or milling of products which are intended for direct human or animal consumption or use. This use does not include the commercial slaughtering or the processing and packaging of meat and poultry. See Meat or Poultry Processing Facility.	C-1	C-1	X	C-1	X	X	X	X	C-1
<b>Agricultural Use.</b> An area of five (5) contiguous acres, or more, which is used for the production, keeping, or maintenance for sale of plants and domestic animals, but excluding the keeping of exotic or prohibited plants or animals. Agricultural Use excludes Commercial Plant Nursery, as defined herein, and Concentrated Animal Feeding Operation, as defined by Utah Code Annotated, 1953, as amended, and similar activities. See also Animal Feeding Operation.	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1
<b>Airport/Heliport.</b> Areas used for the landing and take-off of both fixed wing aircraft and helicopters and buildings or other facilities, including taxiways, aircraft storage and tie-down areas, hangars, servicing, and passenger and freight terminals and which may be designed or used by both public carriers or private aircraft.	C-2	X	X	X	X	X	X	X	C-2

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
<b>Animal Control Facility.</b> A public or publicly licensed facility to temporarily detain and/or dispose of stray dogs, cats and other animals.	C-1	X	X	X	X	X	X	X	C-1
<b>Animal Feeding Operation (AFO).</b> A facility that stables, confines, and feeds or maintains livestock in either an open or housed lot for a total of 45 days or more in any 12-month period. The open lot does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more animal feeding operations under common ownership are a single animal feeding operation if they adjoin each other (within one mile), or if they use a common area or system for the disposal of manure. An AFO may also be a Concentrated Animal Feeding Operation ("CAFO"). (See CAFO). An AFO may be subject to the requirements of the Utah Pollutant Discharge Elimination System (UPDES).	X	X	X	C-1	X	X	X	X	X
<b>Asphalt Batch Plant.</b> A facility where asphaltic materials are manufactured and including accessory asphalt materials storage and equipment.	X	X	X	X	X	X	X	X	C-2
<b>Automotive Care.</b> An establishment providing motor vehicle repair or maintenance services within completely enclosed buildings. Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front-end alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc.	X	X	X	X	X	X	C-1	C-1	P-2

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
<b>Automotive Self-Service Station.</b> A place where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer the retail sale of convenience items as an accessory use. Automotive Self-Service Station specifically excludes and does not allow any servicing, repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including engine, brake, muffler, tire repair and change, lubrication and tune-ups.	X	X	X	X	X	X	C-1	X	X
<b>Bed &amp; Breakfast Inn.</b> An owner-occupied dwelling located on a legal lot and offering transient lodging accommodations where meals may be provided. A Bed and Breakfast may have up to seven (7) guest rooms. A Bed & Breakfast Inn shall meet all applicable requirements of the Building Codes, Health Codes, and Land Use Ordinances, as adopted, and must be located so as to be served by adequate existing public services. See Section 10-18-11.	C-1	C-1	C-1	X	C-1	X	C-1	X	X
<b>Beer and Liquor License(s).</b> All licensees authorized to sell beer and liquor and/or consume beer and liquor on- or off the premises shall comply with all requirements of the Utah Alcoholic Beverage Control Act, as amended, for type of Beer and Liquor License, as applicable, and be conducted in compliance with all requirements for the issuance of such license. See Section 10-18-19.	X	X	X	X	X	X	C-2	C-2	X
<b>Campground.</b> An area of land upon which one (1) or more sites are established and maintained for occupancy by a tent or recreational vehicle.	C-1	C-1	C-1	X	X	X	C-1	X	X

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
<b>Car Wash.</b> A structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. A facility of this type may be able to accommodate more than one vehicle at the same time.	X	X	X	X	X	X	C-1	C-1	X
<b>Cemetery.</b> A place designated for the burial or keeping of human remains, including crematories and mausoleums.	C-1	C-1	C-1	X	C-1	X	X	X	X
<b>Child Care – Facility.</b> A facility that provides child care in a place other than the owner’s residence for five (5) or more children for less than twenty four (24) hours per day, having a regularly scheduled, ongoing enrollment, for direct or indirect compensation and licensed as required by the laws and rules of the State of Utah, A Fire Clearance shall be provided by the Fire Authority, as applicable, and this use shall comply with all business-licensing requirements of the County, as applicable. Child Care – Facility also includes Child Preschool providing instruction for five (5) or more children for less than twenty-four (24) hours a day. See Section 10-18-3.	X	X	X	X	X	X	C-1	X	X
<b>Child Care – Home Day Care.</b> The care of children who are family and non-family members in an occupied dwelling unit, and complying with all State standards and licensing, by a resident of the dwelling unit for more than five (5) children, but fewer than nine (9) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling unit, who are under the supervision of the provider during the period of time the childcare is provided. Of the allowed eight (8) children, only two (2) may be under age two (2). Home	X	P-2	P-2	X	P-2	X	P-2	X	X

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
Day Care may use the entire residential living area and additionally may use yard space for play purposes. This use is required to comply with all business licensing requirements of the County. See Section 10-18-3.									
<b>Child Care – Hourly.</b> A facility that provides child care in a place other than the owner’s residence for five (5) or more children for less than twenty four (24) hours a day, but not on a regular schedule; and receiving direct or indirect compensation and licensed as required by the laws and rules of the State of Utah, A Fire Clearance shall be provided by the Fire Authority, as applicable, and this use shall comply with all business-licensing requirements of the County, as applicable. Child Care – Hourly also includes Child Preschool providing instruction for five (5) or more children for less than twenty-four (24) hours a day. See Section 10-18-3.	X	X	X	X	X	X	C-1	X	X
<b>Child Care – Licensed Family.</b> (1) A person who provides child care in a residence for nine (9) to sixteen (16) children, unrelated to the licensee for less than twenty four (24) hours a day, with a regularly scheduled, on-going enrollment, for direct or in-direct compensation. A “Child Care – Licensed Family” must be licensed as a family group child care program, as required by the laws and rules of the State of Utah. A Fire Clearance shall be provided by the Fire Authority, as applicable, and this use shall comply with all business-licensing requirements of the County, as applicable. (2) A person who provides child care in a residence for less than nine (9) unrelated children for less than twenty four (24) hours per day, having a regularly scheduled, ongoing enrollment, for direct or indirect compensation may be licensed as a family child care program, as required	X	X	X	X	X	X	C-1	X	X

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
by the laws and rules of the State of Utah. A Fire Clearance shall be provided by the Fire Authority, as applicable, and this use shall comply with all business-licensing requirements of the County, as applicable. Child Care – Licensed Family also includes Child Preschool providing instruction in a residence for nine (9) to sixteen (16) children unrelated to the licensee for less than twenty-four (24) hours a day. See Section 10-18-3.									
<b>Child Care – Residential Certificate.</b> The care of children in the residence of the provider for five (5) to eight (8) children and having a regularly scheduled, ongoing enrollment, for direct or indirect compensation and licensed as required by the laws and rules of the State of Utah. A Fire Clearance shall be provided by the Fire Authority, as applicable, and this use shall comply with all business-licensing requirements of the County, as applicable. Child Care – Residential Certificate also includes Child Preschool providing instruction in a residence for five (5) to eight (8) children unrelated to the licensee for less than 24 hours a day. See Section 10-18-3.	X	P-2	P-2	X	P-2	X	P-2	X	X
<b>Church.</b> A facility primarily used for people to gather for worship, religious training, or other religious activities. One (1) accessory dwelling unit for the housing of the pastor or similar leader of the church and their family shall be permitted as an Accessory Use. See Section 10-18-5.	X	C-1	C-1	X	C-1	X	C-1	X	X
<b>Commercial Day Care/Preschool Center.</b> A facility, operated by a person qualified and licensed by the State of Utah, which provides children with day care and/or preschool instruction as a commercial business and complying with all applicable State standards and licensing and having	X	X	X	X	X	X	C-2	X	X

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
regularly scheduled, ongoing enrollment for direct or indirect compensation that provides child care for less than twenty four (24) hours per day. Commercial Day Care/Preschool Center excludes the following: (a) Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning; (b) Facilities operated in connection with a fitness center, shopping center or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; or (c) Special activities or programs, including athletics, crafts instruction and similar activities, conducted on a periodic basis by civic, charitable, private, or governmental organizations; (d) or clearly identified as an Accessory Use. See Section 10-18-3.									
<b>Commercial Plant Nursery.</b> A use wholly or partially contained and conducted within one (1) or more greenhouses where trees, shrubs, flowers, or vegetable plants are grown and sold either retail or wholesale.	C-1	C-1	X	C-1	X	X	X	X	C-1
<b>Composting Facility.</b> A facility where organic materials are converted into a humus-like material under a process of managed biological decomposition or mechanical processes. Normal backyard composting and composting incidental to agricultural operations are exempted from this use.	X	X	X	X	X	X	X	X	C-2
<b>Concentrated Animal Feeding Operation.</b> An Animal Feeding Operation (AFO) is a “concentrated animal feeding operation” (“CAFO”) if it meets the regulatory definition of CAFO or if it is designated as a CAFO. A	X	X	X	C-2	X	X	X	X	X



USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
CAFO is defined in 40 CFR 122.23 Appendix B as “an animal feeding operation where more than 1,000 ‘animal units’ (as defined by the regulation) are confined at the facility; or more than 300 animal units are confined at the facility and either one of the following conditions are met: pollutants are discharged into navigable waters through a man-made ditch, flushing system or other similar man-made device; or pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.” (“Animal unit” means a unit of measurement for any animal feeding operation calculated as per the Utah Administrative Code (UAC) R317-8-3.5 and used to determine if an operation meets the definition of a concentrated animal feeding operation). A CAFO is subject to the requirements of the Utah Pollutant Discharge Elimination System (UPDES).									
<b>Concrete Batch Plant.</b> A facility where sand, gravel, cement, water, and other materials are turned into concrete and may be either a drum mix plant or a batch plant, and including batchers and mixers and accessory materials storage and equipment.	X	X	X	X	X	X	X	C-2	C-2
<b>Construction and Contractor’s Sales and Services.</b> An establishment engaged in the retail or wholesale sale of materials and services used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, construction equipment sales and rental, electrical, plumbing, air	X	X	X	C-1	X	X	C-1	P-2	P-2

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
conditioning and heating supply stores.									
<b>Contractor's Office/Contractor's Storage Yard.</b> A facility providing building construction and maintenance, including carpentry, plumbing, roofing, electrical, air conditioning and heating, within a totally enclosed building, and which may include the open storage of any building materials, equipment, or vehicles.	X	X	X	C-1	X	X	C-1	P-2	P-2
<b>Convenience Store (Existing).</b> A retail establishment selling consumer products including prepackaged food, drink, and household items. A convenience store may also provide retail sales of gasoline and other petroleum products.	X	X	X	X	C-1	X	C-1	X	X
<b>Convenience Store (New).</b> A retail establishment selling consumer products including prepackaged food, drink, and household items. A convenience store may also provide retail sales of gasoline and other petroleum products.	X	X	X	X	X	X	C-1	X	X
<b>Correctional Facility.</b> A public or private facility providing confinement, housing, and care for individuals legally confined for violations of the law.	X	X	X	X	X	X	C-2	C-2	C-2
<b>Distribution Center.</b> A facility where the storage and distribution of goods and materials occurs which may include the parking and storage of distribution vehicles, and accessory activities.	X	X	X	X	X	X	C-1	C-1	C-1
<b>Dwelling, Four-Family (4-plex).</b> A building containing four (4) dwelling units, each unit designed to be occupied by one (1) family.	X	X	X	X	X	X	X	X	X
<b>Dwelling, Manufactured Home.</b> A transportable factory built dwelling	P-1	P-1	P-1	C-1	P-1	X	C-1	C-1	C-1

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which: (1) In the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is four hundred (400) or more square feet; (2) Is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; (3) Includes plumbing, heating, air-conditioning, and electrical systems; and (4) Is identified by the manufacturer's data plate bearing the date the unit was manufactured and a United States Department of Housing and Urban Development (HUD) label attached to the exterior of the home certifying the home was manufactured to HUD standards. See Section 10-18-4.									
<b>Dwelling, Mobile Home (Existing):</b> A transportable factory built dwelling unit built prior to June 15, 1976, in accordance with a state mobile home code that existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code) and existing in the zoning district prior to the effective date of this Ordinance.	P-1	P-1	P-1	P-1	P-1	X	P-1	P-1	P-1
<b>Dwelling, Multiple-Family.</b> A building containing five (5) or more dwelling units, each unit designed to be occupied by one (1) family.	X	X	X	X	X	X	X	X	X
<b>Dwelling, Single-Family.</b> A building containing one (1) dwelling unit, the unit designed to be occupied by one (1) family. See Note #3.	P-1	P-1	P-1	C-1	P-1	X	C-1	C-1	C-1
<b>Dwelling, Single-Family (Existing).</b> A building containing one (1) dwelling unit, the unit designed to be occupied by one (1) family and	P-1	P-1	P-1	P-1	P-1	X	P-1	P-1	P-1

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
existing in the zoning district prior to the effective date of this Ordinance. See Note #3.									
<b>Dwelling, Three-Family.</b> A building containing three (3) dwelling units, each unit designed to be occupied by one (1) family.	X	X	X	X	X	X	X	X	X
<b>Dwelling, Two-Family (Duplex).</b> A building containing two (2) dwelling units, each unit designed to be occupied by one (1) family.	X	X	X	X	X	X	X	X	X
<b>Earth Station.</b> A communication facility which transmits and/or receives signals to and from an orbiting satellite using satellite dish antennas.	C-1	X	X	X	X	X	C-1	C-1	C-1
<b>Educational Facility.</b> Public schools, including charter schools, colleges or universities qualified by the State of Utah Board of Regents or State of Utah Board of Education to provide academic instruction. Privately owned buildings and uses for educational activities that offers a curriculum similar to a public school, college, or university for technical or vocational training, kindergarten, elementary, secondary or higher education.	C-1	X	X	X	C-1	X	C-1	X	X
<b>Electric Substation (Major).</b> A power regulating facility designed to regulate power for distribution at voltages of 140,000 volts (140kV) or greater and found by the County to conform to the General Plan, or has been considered by the Commission and the BOCC has approved the proposed location as an amendment to the General Plan.	C-2	X	X	X	X	C-2	X	X	C-2
<b>Electric Substations (Minor).</b> A power regulating facility designed to regulate power for distribution to customers at voltages less than 140,000	C-1	C-1	C-1	C-1	X	C-2	X	C-1	C-1

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
volts (140 kV).									
<b>Electric Transmission Right of Way (Major).</b> A power transmission right-of-way designed to provide for the location of electric transmission lines designed to operate at voltages of 140,000 volts (140 kV), or greater, and that may provide for interstate power transmission, or to provide power to customers or areas located outside of the County and found by the County to conform to the General Plan, or has been considered by the Commission and the BOCC has approved the proposed location as an amendment to the General Plan.	X	X	X	X	X	C-2	X	X	X
<b>Electric Transmission Right of Way (Minor).</b> A power transmission right-of-way designed to provide for the location of electric transmission lines designed to operate at voltages of less than 140,000 volts (140 kV), and that provides power transmission to customers or areas located within the County.	C-1	C-1	C-1	C-1	C-1	P-2	C-1	C-1	C-1
<b>Electrical Generating Facility.</b> A device or facility using fossil fuels to generate electrical energy by spinning wire coils in magnetic fields, inducing an electric potential in the coil. Electrical Generating Facility does not include Geothermal Energy System (Major), Geothermal Energy System (Minor), Solar Energy System (Major) Solar Energy System (Minor), Wind Energy System (Major), or Wind Energy System (Minor),	X	X	X	X	X	X	X	X	C-2
<b>Exotic Animals and Poultry.</b> Any potentially dangerous animal not typically having its natural habitat located in central Utah and not customarily confined or cultivated by humans for domestic or commercial	X	X	X	X	X	X	X	X	X

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
purposes.									
<b>Forestry/Forest Practice.</b> As provided by Section 65A-8a-102, Utah Code Annotated, 1953, as amended, means activities directly related to: (1) the harvesting of trees; (2) new road construction associated with harvesting or accessing trees; (3) site preparation for regeneration of a timber stand; (4) reforestation; or (5) the management of logging slash, such activities being conducted and managed under the authority of the United States Forest Service or the State of Utah Department of Natural Resources, Division of Forestry, Fire, and State Lands. Forestry/Forest Practice does not include: (1) the operation of a nursery or Christmas tree farm; (2) the harvest of Christmas trees; (3) the harvest of trees for the noncommercial, personal use by the owner of forested land from which the trees are harvested; or (4) a harvesting operation encompassing fewer than ten (10) contiguous acres of forested land.	C-1	X	X	X	X	X	X	X	X
<b>Gas Pipeline Right of Way (Major).</b> A right-of-way designed to provide for the location of a gas transmission pipeline of fifteen (15) inches, or larger, diameter and that may provide for interstate gas transmission, or to provide gas to customers or areas located outside of the County and found by the County to conform to the General Plan, or has been considered by the Commission and the BOCC has approved the proposed location as an amendment to the General Plan.	X	X	X	X	X	C-2	X	X	X
<b>Gas Pipeline Right of Way (Minor).</b> A right-of-way designed to provide for the location of a gas transmission pipeline of less than fifteen (15) inches in diameter and that provides gas transmission to customers or	X	X	X	X	X	C-1	X	X	X

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
areas located within the County.									
<b>Geothermal Energy System (Major).</b> A system or facility using the thermal energy resources of the Earth (geothermal energy) to provide mechanical or electrical power or heating or cooling systems for commercial purposes which may or may not be located on the same site as the Geothermal Energy System (Major).	C-2	X	X	X	X	X	X	X	X
<b>Geothermal Energy System (Minor).</b> A system or facility using the thermal energy resources of the Earth (geothermal energy) to provide mechanical or electrical power or heating or cooling systems for private, non- commercial purposes for use on the same site as the Geothermal Energy System (Minor).	C-1	C-1	C-1	C-1	C-1	X	C-1	C-1	C-1
<b>Group Home.</b> See Residential Facility for Persons with a Disability; Residential Facility for Persons with a Disability that are Substance Abuse Facilities and are Located within Five Hundred (500) Feet of a School; and Therapeutic School.	X	X	X	X	X	X	X	X	X
<b>Guest Ranch.</b> A facility, including either a single building or resort cabins, which serves as a destination for visitors and generally has accessory recreational facilities for the use of guests. A Guest Ranch shall maintain the existing agricultural or farming operations. A Guest Ranch shall not be construed to include a Residential Facility for Persons with a Disability, or a Therapeutic School.	C-1	C-1	C-1	X	X	X	X	X	X
<b>Home Occupation (Major).</b> A use or activity conducted within a dwelling, accessory building, or accessory garage and carried out and conducted	P-2	P-2	P-2	P-2	P-2	X	X	X	X

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
without changing the nature of the zoning district or creating any nuisance to any adjoining properties. Home Occupation (Major) shall be conducted by the persons residing in the dwelling and a maximum of one (1) employee who is not be a family member. Activities or storage associated with the Home Occupation (Major) may occur outside of the dwelling. See Section 10-18-2.									
<b>Home Occupation (Minor).</b> A use or activity conducted entirely within a dwelling and conducted by the person(s) residing in the dwelling. No outside help or assistance shall be allowed and the Home Occupation (Minor) shall not involve the use of any accessory building, garage, or yard space, outside of the dwelling for any activity or storage associated with the Home Occupation (Minor). See Section 10-18-2.	P-1	P-1	P-1	P-1	P-1	X	X	X	X
<b>Hotel/Motel.</b> A building or group of buildings, other than a boarding house or lodging house, containing individual guest rooms and which furnishes services customarily provided by hotels or motels which may include a restaurant, recreational facilities, reception area(s) and convention facilities.	X	X	X	X	X	X	C-2	X	X
<b>Industrial/Manufacturing Activity (General).</b> A manufacturing operation or processing and assembly of goods including personal hygiene products and cosmetics, drugs and pharmaceuticals, tools, equipment and products and which are not likely to be obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product or waste. This use does not include Agricultural Products Processing. See	X	X	X	C-1	X	X	X	C-2	C-2



USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
Agricultural Products Processing.									
<b>Industrial/Manufacturing Activity (Light).</b> Places for the conduct of light manufacturing and assembly activities which are compatible with existing and other uses allowed in the Zoning District and which will not be offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product or waste, and where all equipment, machinery, and other ancillary equipment is located within a building or structure and where any outside storage areas are screened from view from all adjoining properties, roads and streets.	X	X	X	X	X	X	X	C-1	C-1
<b>Kennel (Commercial).</b> Any premises or establishment where four (4) or more dogs, older than four (4) months, are kept for the purpose of boarding, breeding, raising or training dogs as a commercial activity for a fee or other form of remuneration.	C-1	C-1	X	C-1	X	X	X	C-1	C-1
<b>Kennel (Non-commercial).</b> Any premises or establishment where four (4) or more dogs, older than four (4) months, are kept for the purpose of boarding, breeding, raising or training dogs on a not-for-profit basis.	C-1	C-1	X	C-1	X	X	X	C-1	C-1
<b>Kennel (Hobby).</b> The keeping of up to three (3) dogs. This use does not require any Land Use Approvals or Permits.	P-1	P-1	P-1	P-1	P-1	X	P-1	P-1	P-1
<b>Landfill.</b> An area of land where solid waste is disposed of using sanitary land filling techniques, including but not limited to an engineered method of disposing of solid waste on land in a manner that does not	C-2	X	X	X	X	X	X	X	C-2

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
create a nuisance or health hazard and found by the County to conform to the General Plan, or has been considered by the Commission and the BOCC has approved the proposed location as an amendment to the General Plan.									
<b>Liquor Store (State Owned).</b> An establishment owned and operated by the State of Utah and primarily engaged in the sale of alcoholic beverages.	X	X	X	X	X	X	C-2	X	X
<b>Livestock Auction Facility.</b> A structure, or structures, with associated pens, yards, corrals and loading and unloading facilities used for the sale of livestock.	C-1	C-1	X	X	X	X	X	C-1	C-1
<b>Meat or Poultry Processing Facility.</b> A facility for the commercial processing of meat and poultry for human consumption, including but not limited to the slaughtering, butchering, cutting, dressing and packaging of meat and poultry products.	C-2	C-2	X	C-2	X	X	X	C-2	C-2
<b>Meteorological Station.</b> A facility or location where meteorological data is gathered and recorded. The facility/system may report data gathered in real time or save the data for later recovery.	P-1	P-1	P-1	P-1	X	X	X	P-1	P-1
<b>Mining (Subsurface).</b> The extraction of naturally occurring mineral deposits by underground methods, including the milling and processing of such deposits.	C-2	X	X	X	X	X	X	X	C-2
<b>Mining (Surface).</b> The extraction of naturally occurring mineral deposits by mining directly from the ground surface, including such processes as open pit mining, strip mining, gravel pits, quarrying and dredging and	C-2	X	X	X	X	X	X	X	C-2

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
associated processing including crushing and washing.									
<b>Mortuary (Funeral Home).</b> A facility where bodies are prepared for burial or cremation, which may include areas for embalming, performing autopsies, and the storage for associated vehicles and supplies. This use may also provide a chapel or other area for the conduct of funeral services.	C-1	X	X	X	C-1	X	C-1	X	X
<b>Natural or Manufactured Gas Storage.</b> A facility providing for the storage or natural or manufactured gas and directly related products and including necessary accessory structures and including onsite pipelines, compression, storage, distribution and maintenance facilities.	X	X	X	X	X	X	X	X	C-2
<b>Nursing Home (Convalescent Care) Facility.</b> A facility that provides twenty four (24) hour residential care to persons who are not related by blood, marriage or adoption to the owner, operator or manager of the facility. A Nursing Home (Convalescent Care) Facility provides some level of skilled nursing or medical service to the residents.	X	X	X	X	C-1	X	C-1	X	X
<b>Outdoor Youth Program.</b> A program designed to provide behavioral, substance abuse, or mental health services to minors that: (1) serves adjudicated or non-adjudicated youth; (2) charges a fee for its services; (3) may or may not limit or censor access to parents or guardians; (4) may prohibit or restrict a minor's ability to leave the program at any time of the minor's own free will; and (5) provides its services in an outdoor setting.	C-2	X	X	X	X	X	X	X	X
<b>Petroleum Pipeline Right of Way (Major).</b> A right-of-way designed to provide for the location of a petroleum or oil transmission pipeline of four (4) inches, or larger, in diameter and that may provide for interstate	X	X	X	X	X	C-2	X	X	X

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
petroleum or oil transmission, or to provide petroleum or oil to customers or areas located outside of the County and found by the County to conform to the General Plan, or has been considered by the Commission and the BOCC has approved the proposed location as an amendment to the General Plan.									
<b>Petroleum Pipeline Right of Way (Minor).</b> A right-of-way designed to provide for the location of petroleum or oil transmission pipeline of less than four (4) inches in diameter and that provides petroleum or oil to customers or areas located within the County.	X	X	X	X	X	C-1	X	X	X
<b>Public Use.</b> A use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including but not limited to, parks, recreational facilities, administrative and service offices and facilities, and public utilities, and found by the Commission to conform to the General Plan, or has been considered by the Commission and the Board of County Commissioners has approved the proposed location and/or Public Use as an amendment to the General Plan. Public Uses do not include an Animal Control Facility, Landfill, Water Treatment Plant, Sewer Treatment Plant, Airport, Heliport, Correctional Facility, or Liquor Store (State Owned). See Section 10-17-3.	C-2	C-2	C-2	C-2	C-2	C-2	C-2	C-2	C-2
<b>Public Utility.</b> A water, sewer, telephone, cable television, power, or other utility facility, which is located underground and buried beneath the surface or located above the surface of the ground and found by the County to conform to the General Plan, or has been considered by the	C-2	C-2	C-2	C-2	C-2	C-2	C-2	C-2	C-2

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
Commission and the BOCC has approved the proposed location as an amendment to the General Plan. Public Utility does not include Electric Transmission Right-of-Way (Major) or (Minor), Electric Generating Facility, Electric Substation (Major) or (Minor), Gas Pipeline Right-of-Way (Major) or (Minor), Natural or Manufactured Gas Storage, Petroleum Pipeline Right-of-Way (Major or (Minor), or Wind Energy System (Major) or (Minor). See Section 10-17-3.									
<b>Recreation – (Outdoor).</b> An area or facility that offers entertainment or recreation and may include, as accessory uses, associated eating and drinking areas, retail sales areas and staff offices, and maintenance facilities. This use may include a golf course, miniature golf facility, and facilities for equestrian-related activities including riding arena, and rodeo arena. This use also includes shooting range, go-cart, motor vehicle and/or motorbike tracks, or similar activities that may create noise, dust, or other impacts to adjoining properties and uses.	P-2	P-2	C-2	P-2	X	X	C-1	_P-2	P-2
<b>Recycling Center.</b> A facility where recyclable materials are collected, stored and processed. Processing includes baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning.	X	X	X	X	X	X	X	X	C-2
<b>Residential Facility for Persons with a Disability.</b> A residence in which more than one (1) person with a disability resides and is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. See definition of Disability. See Section 10-	P-1 <sup>4</sup>	P-1 <sup>4</sup>	P-1 <sup>4,5</sup>	X	P-1 <sup>4,5</sup>	X	X	X	X

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
18-13 – Residential Facility for Persons with a Disability.									
<b>Residential Facility for Persons with a Disability that are Substance Abuse Facilities and are Located within Five Hundred (500) Feet of a School.</b> A residence located within 500 feet of a school and in which more than one (1) person with a disability resides; and is Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or is Licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. See definition of Disability. Disability does not include current illegal use of, or addiction to any Federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802. (§57-21-2(9)(b) Utah Code Annotated, 1953, as amended). See Section 10-18-14.	P-2 <sup>4</sup>	P-2 <sup>4</sup>	P-2 <sup>4,5</sup>	X	P-2 <sup>4,5</sup>	X	X	X	X
<b>Residential Facility for Elderly Persons.</b> A single-family or multiple-family dwelling unit that meets the requirements of Section 10-18-12 herein and Section 17-27a-515 UCA, as amended, but does not include a health care facility as defined by Section 26-21-2, UCA, as amended. Elderly Person means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.	P-1	P-1	P-1 <sup>4</sup>	X	P-1 <sup>4</sup>	X	X	X	X
<b>Resort.</b> A facility which serves as a destination for guests and generally provides recreational or personal development facilities and may include both on-site and off-site activities and services including food, overnight lodging, equipment rentals, entertainment and other conveniences for	C-1	C-1	X	X	X	X	X	X	X

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
guests of the resort. Guest residency is limited to no longer than sixty (60) calendar days.									
<b>Restaurant.</b> A business where a variety of food and drink is prepared and served for consumption either on or off the premises.	X	X	X	X	X	X	P-2	X	X
<b>Retail Store.</b> An establishment providing retail sales of merchandise including a grocery, hardware, department store, furniture, pharmacy, or other retail sales activities on a for-profit or not-for-profit basis.	X	X	X	X	P-2	X	P-2	P-2	P-2
<b>Salvage Yard.</b> The use of any lot, portion of a lot, or land for the commercial storage, keeping or abandonment of junk, including scrap metals or other scrap material, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery and where the parts of vehicles and machinery may be sold (wholesale or retail).	X	X	X	X	X	X	X	X	C-2
<b>Seasonal Use.</b> A use offering goods, services, or conducting an activity for a limited duration of time, but in no case existing longer than one hundred twenty (120) calendar days. Such uses may include fireworks stands, fruit or vegetable stands, beverage or snow cone vendors, Christmas tree lots, corn mazes, holiday boutiques, and similar activities.	C-1	C-1	C-1	C-1	C-1	X	P-1	P-1	P-1
<b>Sexually Oriented Business or Activity.</b> A use or facility providing adult and/or sexually oriented activities and entertainment, including but not limited to adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude or seminude model studio. See Section 10-18-20.	X	X	X	X	X	X	X	C-2	C-2

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
<b>Sign, Billboard.</b> A freestanding ground sign located on industrial, commercial, or residential property and designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.	X	X	X	X	X	X	X	X	X
<b>Sign, On-Premise Canopy.</b> A sign attached to, or included in the constructed of a canopy, which may be located over a fuel island or drive through and only permitted at the location of the activity, business, or service connected with the message of the sign. See Table 10-9-2.	X	X	X	X	X	X	P-1	P-1	P-1
<b>Sign, On-Premise Free Standing – Monument.</b> A sign constructed and attached directly to the ground by a foundation and only permitted at the location of the activity, business, or service connected with the message of the sign and only permitted at the location of the activity, business, or service connected with the message of the sign. See Table 10-9-2.	X	X	X	X	X	X	C-1	C-1	C-1
<b>Sign, On-Premise Free Standing – Pylon.</b> A sign attached to the ground or a foundation with a pole, or poles, and only permitted at the location of the activity, business, or service connected with the message of the sign. See Table 10-9-2.	X	X	X	X	X	X	C-1	C-1	C-1
<b>Sign, On-Premise Wall.</b> A sign displayed or attached against the wall of a building, where the exposed face of the sign is parallel to the wall and extends not more than twelve (12) inches horizontally from the face of the wall and only permitted at the location of the activity, business, or service connected with the message of the sign. See Table 10-9-2.	X	X	X	X	X	X	P-2	P-2	P-2
<b>Solar Energy System (Major).</b> A system or facility using the energy of the	C-2	X	X	X	X	X	X	X	X



USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
sun (solar energy) to provide mechanical or electrical power or heating or cooling systems for commercial purposes which may or may not be located on the same site as the Solar Energy System (Major).									
<b>Solar Energy System (Minor).</b> A system or facility using the energy sun (solar energy) to provide mechanical or electrical power or heating or cooling systems for private, non- commercial purposes for use on the same site as the Solar Energy System (Minor).	C-1	C-1	C-1	C-1	C-1	X	C-1	C-1	C-1
<b>Sign, Small – On Premise; Sign, Free Standing – Directional; and Sign, Temporary.</b>	Allowed in all Zones without Land Use Authority approval provided all standards and requirements are met. See Table 10-9-2.								
<b>Special Event.</b> An activity established for a maximum period of twenty one (21) calendar days, such event being discontinued after the expiration of twenty one (21) calendar days.	P-1	P-1	P-1	P-1	P-1	X	P-1	P-1	P-1
<b>Special Use.</b> A use established to meet a particular need or activity for a specific period, but not to exceed three hundred sixty (360) days, and conducted in compliance with all the requirements of this Ordinance, such use being discontinued and completely removed after the expiration of the specific period.	P-2	P-2	P-2	P-2	P-2	X	P-2	P-2	P-2
<b>Storage – Hazardous Materials.</b> The storage of goods or product of a hazardous or explosive nature and typically regulated by Federal, State, or Local rules for storage and use.	C-2	X	X	X	X	X	X	X	X
<b>Storage – Mini Storage.</b> A facility for the storage of personal items in	C-1	X	X	X	X	X	C-1	P-2	P-2

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
individual units and leased to persons exclusively for storage of their household goods or personal property. All units must be contained within a permanent structure.									
<b>Storage – Open/Outdoor.</b> The storage of goods or product in an open, unenclosed area, including but not limited to, automotive, truck, recreational vehicle, trailer, and manufactured home sales lots, repair yards, open storage areas, and all similar outside display and storage areas of goods, materials, equipment, and vehicles and not associated with any other use or as an accessory use to an approved use.	C-1	X	X	X	X	X	X	X	C-1
<b>Storage – Wholesale and Warehousing.</b> An establishment that is primarily engaged in the storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Uses include major mail distribution centers, moving and storage firms, and warehousing and storage facilities.	X	X	X	X	X	X	C-1	C-1	C-1
<b>Swimming Pool.</b> An artificial body of water having a depth in excess of twenty four (24) inches and a water surface area greater than fifty (50) square feet, designed, constructed and used for swimming, dipping or immersion purposes by men, women or children.	P-2	P-2	P-2	X	P-2	X	P-2	X	X
<b>Temporary Construction Office.</b> A structure used for a maximum period not to exceed twelve (12) months as a construction office associated with construction for an approved use as allowed and permitted by this Ordinance and the Building Codes, as applicable.	P-2	P-2	P-2	P-2	P-2	X	P-2	P-2	P-2
<b>Temporary Dwelling Unit.</b> A structure used as a dwelling unit for a	P-2	P-2	P-2	P-2	P-2	X	P-2	P-2	P-2

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
maximum period not to exceed one hundred eighty (180) calendar days, for use by the owner, during the construction or remodeling of the permanent dwelling unit as allowed and permitted by this Ordinance and the Building Codes, as applicable.									
<b>Temporary Use.</b> A special event or use proposed to be established for a maximum period of ninety (90) days, such event, or use being discontinued after the expiration of ninety (90) days, and conducted in compliance with all the requirements of this Ordinance. Such uses may include, but are not limited to, seasonal commercial activities, including Christmas tree lots and snow cone shacks, nonprofit fund-raising activities, organized events, educational, historic, religious and patriotic displays or exhibits, including athletic or recreational events, festivals, arts and crafts fairs, and other organized events. All family gatherings shall be exempt from the requirements of a Temporary Use Application approval.	P-1	P-1	P-1	P-1	P-1	X	P-1	P-1	P-1
<b>Tennis Court/Sports Court.</b> An improved area used for the playing of tennis or other sports activities, including, but not limited to, basketball and volleyball.	P-2	P-2	P-2	X	P-2	X	P-2	X	X
<b>Therapeutic School:</b> A residential group living facility for four (4) or more individuals who are not related to: (i) the owner of the facility; or (ii) the primary service provider of the facility; and that serves students who have a history of failing to function: (i) at home; (ii) in a public school; or (iii) in a nonresidential private school; and that offers:(i) room and board; and (ii) an academic education integrated with: (A) specialized structure and supervision; or (B) services or treatment related to a disability, an	C-1	C-1	C-1 <sup>6</sup>	X	C-1 <sup>6</sup>	X	X	X	X

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
emotional development, a behavioral development, a familial development, or a social development. See Section 10-18-14.									
<b>Vehicle and Equipment Rental or Sale, New or Used.</b> An establishment engaged or licensed to engage in the business of buying, selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors. Typical uses include new and used truck sales and rental, boat sales, recreational vehicles, construction equipment rental yards, moving truck and trailer rental, and farm equipment and machinery sales and rental.	X	X	X	X	X	X	C-1	C-1	P-2
<b>Vehicle and Equipment Service and Repair.</b> An establishment primarily engaged in the repair and maintenance of motor vehicles and/or light and heavy equipment, including auto body repairs, installation of accessories and transmission and engine rebuilding services farm equipment repair, paint, and body shops, tune-ups, brake repairs generator and starter repairs, tire repairs and installation, front-end alignments, and lubrication services.	X	X	X	X	X	X	C-1	C-1	P-2
<b>Veterinary Clinic.</b> A facility for the diagnosis, treatment, hospitalization, and care of domesticated animals and pets. Such facility may include animal holding and boarding facilities.	X	X	X	P-2	X	X	C-1	P-2	P-2
<b>Wind Energy System (Major).</b> A wind energy conversion system consisting of one (1) or more wind turbine(s) and tower(s) and associated	C-2	X	X	X	X	X	X	X	X

USE	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
control and/or conversion electronics and providing wind generated electrical power to be used primarily for off-site consumption and having a rated capacity of more than twenty kilowatts (20 kW). See Section 10-18-21.									
<b>Wind Energy System (Minor).</b> A wind energy conversion system consisting of one (1) wind turbine and tower and associated control and/or conversion electronics which have a rated capacity of less than twenty kilowatts (20kW) and providing wind generated electrical power to be used for on-site consumption. See Section 10-18-21.	C-1	C-1	C-1	C-1	C-1	X	C-1	C-1	C-1
<b>Wireless Telecommunications Site/Facility.</b> A facility used for the transmission or reception of electromagnetic or electro-optic information, including wireless telecommunications facilities such as “cellular” or “PCS” (Personal Communications Systems) – communication and paging systems. This use is not required to be located on a separate lot or to comply with the minimum lot size requirement for the District in which it is located but is required to meet the design and locational requirements, as established for such uses, as provided by this Ordinance. Telecommunications Site/Facility does not include radio antennas complying with the ruling of the Federal Communications Commission in “Amateur Radio Preemption, 101 FCC 2 <sup>nd</sup> 952 (1985)” or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97. See Section 10-18-17.	C-1	C-1	C-1	C-1	X	X	C-1	C-1	C-1

Notes:

1. Allowed only as an Accessory Dwelling Unit for an Employee.
2. All uses proposed on Federal or State owned lands must comply with all requirements of the Federal or State Agency with the responsibility and authority to manage such lands.
3. Single-Family shall be interpreted to include a maximum of four (4) unrelated individuals occupying a dwelling unit in a zone permitting occupancy by a single family.
4. Must be found to be proposed in a similar residential dwelling as allowed in the Zoning District.
5. Shall not be located closer than 1,000 feet from any other Residential Facility for Persons with a Disability, as measured from the closest property line to the closest property line.
6. Shall not be located closer than 1,000 feet from any other Therapeutic School, as measured from the closest property line to the closest property line.

APPENDIX B-1

**DEVELOPMENT STANDARDS FOR PRIMARY BUILDINGS AND STRUCTURES**

DEVELOPMENT STANDARD	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
Site Plan	As required by the Land Use Authority and sufficient to demonstrate compliance with all Land Use Ordinances.								
Lot Standards	All buildings and structures shall be constructed in compliance with all requirements of all Land Use Ordinances and the Building Code, as adopted and as applicable. All buildings and structures shall be located on and permanently attached to a site-built permanent foundation that meets the Building Code, as adopted. All buildings and structures shall be located on a legally created lot or parcel and be able to receive required services and accommodate necessary setback requirements.								
Minimum Lot Size	20 Acres	20 Acres	1 Acre	As required by the Land Use Authority for Site Plan approval.	1 Acre	20 Acres	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.
Minimum Lot Width	200 Feet	200 Feet	150 Feet	As required by the Land Use Authority for Site Plan approval.	150 Feet	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.

DEVELOPMENT STANDARD	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
Minimum Front Yard	35 Feet	35 Feet	35 Feet	As required by the Land Use Authority for Site Plan approval.	25 Feet	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.
Minimum Side Yard	30 Feet	30 Feet	15 Feet	As required by the Land Use Authority for Site Plan approval.	15 Feet	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.
Minimum Rear Yard	40 Feet	40 Feet	40 Feet	As required by the Land Use Authority for Site Plan approval.	40 Feet	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.



DEVELOPMENT STANDARD	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
Maximum Building Height	As required by the Land Use Authority for Site Plan approval. See also Note #1.	As required by the Land Use Authority for Site Plan approval. See also Note #1.	As required by the Land Use Authority for Site Plan approval. See also Note #1.	As required by the Land Use Authority for Site Plan approval. See also Note #1.	30 Feet.	As required by the Land Use Authority for Site Plan approval. See also Note #1.	As required by the Land Use Authority for Site Plan approval. See also Note #1.	As required by the Land Use Authority for Site Plan approval. See also Note #1.	As required by the Land Use Authority for Site Plan approval. See also Note #1.
Culinary Water and Sanitary Sewage Systems	Approval of Feasibility from Culinary Water Authority and Sanitary Sewer Authority, as applicable								
Fire Protection	As recommended by Fire Authority, as applicable								
Clear View Areas	As required by Section 1624 and by the Land Use Authority, as applicable for Site Plan Approval								

Notes: 1. It is unlawful to construct, build or establish any building, structure, tree, or any other appurtenance which may constitute a hazard or obstruction to the safe navigation, landing and take-off of an aircraft at a publicly used airport as determined by FAA regulations.

**APPENDIX B-2**

**DEVELOPMENT STANDARDS FOR DETACHED ACCESSORY BUILDINGS AND STRUCTURES**

DEVELOPMENT STANDARD	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
Site Plan	As required by the Land Use Authority and sufficient to demonstrate compliance with all Land Use Ordinances.								
Lot Standards	All accessory buildings and structures shall be constructed in compliance with all requirements of all Land Use Ordinances and the Building Code, as adopted and as applicable. All buildings and structures shall be located on a legally created lot or parcel and be able to receive required services and accommodate necessary setback requirements.								
Minimum Lot Size	20 Acres	20 Acres	1 Acre	As required by the Land Use Authority for Site Plan approval.	1 Acre	20 Acres	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.
Minimum Lot Width	200 Feet	200 Feet	150 Feet	As required by the Land Use Authority for Site Plan approval.	150 Feet	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.

DEVELOPMENT STANDARD	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
Minimum Front Yard	35 Feet	35 Feet	35 Feet	As required by the Land Use Authority for Site Plan approval.	25 Feet	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.
Minimum Side Yard	12 Feet	12 Feet	12 Feet	As required by the Land Use Authority for Site Plan approval.	12 Feet	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.
Minimum Rear Yard	12 Feet	12 Feet	12 Feet	As required by the Land Use Authority for Site Plan approval.	12 Feet	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.
Maximum Lot Coverage									

DEVELOPMENT STANDARD	ZONING DISTRICT								
	RF	AG - 20	AG	AI	R1	TC	HC	LI	HI
Maximum Building Height	As required by the Land Use Authority for Site Plan approval. See also Note #1.	As required by the Land Use Authority for Site Plan approval. See also Note #1.	As required by the Land Use Authority for Site Plan approval. See also Note #1.	As required by the Land Use Authority for Site Plan approval. See also Note #1.	30 Feet	As required by the Land Use Authority for Site Plan approval. See also Note #1.	As required by the Land Use Authority for Site Plan approval. See also Note #1.	As required by the Land Use Authority for Site Plan approval. See also Note #1.	As required by the Land Use Authority for Site Plan approval. See also Note #1.
Culinary Water and Sanitary Sewage Systems	Approval of Feasibility from Culinary Water Authority and Sanitary Sewer Authority, as applicable								
Fire Protection	As recommended by Fire Authority, as applicable								
Clear View Areas	As required by Section 1624 and by the Land Use Authority, as applicable for Site Plan Approval								